

California State Archives
State Government Oral History Program

Oral History Interview

with

HON. BURT W. BUSCH

California State Senator, 1947 - 1955
Lake County District Attorney, 1931 - 1946

February 16 and 17, 1988
Lakeport, California

By Gabrielle Morris
Regional Oral History Office
The Bancroft Library
University of California, Berkeley

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PREFACE

On September 25, 1985, Governor George Deukmejian signed into law A.B. 2104 (Chapter 965 of the Statutes of 1985). This legislation established, under the administration of the California State Archives, a State Government Oral History Program "to provide through the use of oral history a continuing documentation of state policy development as reflected in California's legislative and executive history."

The following interview is one of a series of oral histories undertaken for inclusion in the state program. These interviews offer insights into the actual workings of both the legislative and executive processes and policy mechanisms. They also offer an increased understanding of the men and women who create legislation and implement state policy. Further, they provide an overview of issue development in California state government and of how both the legislative and executive branches of government deal with issues and problems facing the state.

Interviewees are chosen primarily on the basis of their contributions to and influence on the policy process of the state of California. They include members of the legislative and executive branches of the state government as well as legislative staff, advocates, members of the media, and other people who played significant roles in specific issue areas of major and continuing importance to California.

By authorizing the California State Archives to work cooperatively with oral history units at California colleges and universities to conduct interviews, this program is structured to take advantage of the resources and expertise in oral history available through California's several institutionally based programs.

Participating as cooperating institutions in the State Government Oral History Program are:

Oral History Program
History Department
California State University, Fullerton

Oral History Program
Center for California Studies
California State University, Sacramento

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Claremont Graduate School

Regional Oral History Office
The Bancroft Library
University of California, Berkeley

Oral History Program
University of California, Los Angeles

The establishment of the California State Archives State Government Oral History Program marks one of the most significant commitments made by any state toward the preservation and documentation of its governmental history. It supplements the often fragmentary historical written record by adding an organized primary source, enriching the historical information available on given topics and allowing for more thorough historical analysis. As such, the program, through the preservation and publication of interviews such as the one which follows, will be of lasting value to current and future generations of scholars, citizens, and leaders.

John F. Burns
State Archivist

July 27, 1988

This interview is printed on acid-free paper.

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INTERVIEW HISTORY

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Interview Time and Place:

February 16, 1988

Home of Burt W. Busch, Lakeport, California

Session of two hours. Mrs. Busch sat in on part of this session and made a few comments, which are included in the transcript

February 17, 1988

Home of Burt W. Busch, Lakeport, California

Session of two hours

Editing

Morris checked the verbatim transcript of the interview against the original tape recordings; edited for punctuation, paragraphing, and spelling; verified proper names and prepared footnotes. Insertions by the editor are bracketed. The interviewer also prepared the introductory materials.

On May 6, 1988, a copy of the edited manuscript was sent to Mr. Busch for his approval. Due to recurring illness, Mr. Busch was unable to review the transcript, which was completed from the file copy in the Regional Oral History Office.

Papers

Mr. Busch indicated that he has retained several cartons of materials from his legislative service. He has been invited to deposit these papers in the California State Archives in Sacramento.

Tapes and Interview Records

The original tape recordings of the interviews are in the archives of The Bancroft Library, University of California at Berkeley. Records relating to the interview are at the Regional Oral History Office. Master tapes are deposited at the State Archives.

BIOGRAPHICAL SUMMARY

Burt Witte Busch was born in Alma, Wisconsin on July 27, 1904. He attended grammar school in Ukiah, California and graduated from high school there in 1919. He continued his education at Stanford University, receiving a B.A. and, in 1929, his law degree. In September, 1929, he married the former Leonora Haig in the Stanford Chapel.

Settling in Lakeport, California, he began the practice of law and, in 1931, was elected Lake County District Attorney. In 1946-1947, he was president of the California District Attorneys Association. He was elected in 1946 to the state senate from the Fourth District, comprised of Lake and Mendocino counties. He is a member of the Republican party, although in his election campaigns he cross-filed on both Republican and Democratic party ballots.

During his first term in the senate, Busch was vice chairman of the Fish and Game Committee and served on the Judiciary, Military and Veterans Affairs, Public Health and Safety, and Social Welfare committees. In 1950, he was reelected to office and the following year was named chairman of the Natural Resources Committee and a member of the Committee on Governmental Efficiency. He continued to serve on the Judiciary, Fish and Game, and Military and Veterans Affairs committees. In 1953, the Education and Legislative Representation committees were added to his responsibilities. Much of his time was devoted to hearings conducted around the state and other aspects of the Senate Interim Judiciary Committee.

Due to health problems, he did not run again in 1954, and his brother, James E. Busch, district attorney for Mendocino County, succeeded him in office. When incumbent Congressman Hubert Scudder died in 1958, Burt Busch declared himself a candidate for the First District Republican nomination.

Although he did not win that race, he remained active in public affairs until the 1970s as a deputy district attorney in Lake County.

[Session 1, February 16, 1988]

[Begin Tape 1, Side A]

I INTRODUCTION

Lake County in the 1980s

BUSCH: I was elected to the Fourth Senatorial District. It was then composed of Lake and Mendocino counties only, and now the Fourth District—I think I'm right—extends clear up to the border somewhere. So they revised the boundaries of the senate districts there.

MORRIS: Reapportionment really made a difference.

BUSCH: Oh, God, yes, I should say. Actually, I don't know the counties in the district now, it's so cut up there. Let's see; I think a piece of it's in Glenn County, and it crosses the [Sacramento] Valley, and some of it's up there, I believe, in Placer County, but I'm not sure. Just the tail end of it there. It's split up, anyway. But it's getting more regular; I think we'll find in the next reapportionment it will be located in all this side of the Valley. Maybe it will carry to the Oregon border just as it does now.

MORRIS: Because the population has grown?

BUSCH: Oh, yes. Here the population growth has been tremendous for a community this size.¹ They've had some interesting economic

1. Between 1980 and 1986, Lake County population increased over 30 percent, according to the San Francisco Chronicle of April 20, 1988.

developments in the county. They've opened a gold mine over there. You might have heard of it; I don't know. It's a large operation that's in Lake and Napa counties. It's a real big operation. It has to be; it's pit mining, and it isn't all that rich that they can sit down. They've got to keep working at it.

MORRIS: You have to move a lot of ore in order to get some . . .

BUSCH: An awful lot of work to do it, yes, of ore. Then we have the geothermal operation down here on the border of the county which is—that and Sonoma County are two of the largest geothermal areas there, one of the largest in the world. That's all developed in the last I'd say fifteen years or later. The mine the same way.

Youth in Potter Valley and Ukiah

MORRIS: The notes I have on you say that you were born in Wisconsin and you went to college down in Palo Alto, at Stanford.

BUSCH: Yes, that's right.

MORRIS: How did you happen to end up here in Lake County?

BUSCH: Well, my folks came out here as a pioneer family, and they were settled in Potter Valley originally.

MORRIS: Back in the 1800s?

BUSCH: Some of them came out here in the '50s.

MORRIS: Eighteen-fifties? Really?

BUSCH: Yes. That's a great uncle of mine. But my folks came out here and settled about 1906 at Potter Valley. I was the only child at the time. I was about six months old, something like that. I don't think I was that old. I don't remember that I was.
[Laughter]

MORRIS: You don't remember Wisconsin very much?

BUSCH: No. My mother brought me out here, and my father was here. We were on a little ranch up above Potter Valley.

MORRIS: Pretty country.

BUSCH: Oh, it's lovely country. I have a deep place in my mind, heart. They were there about two years, and they moved down to Ukiah. I lived in Ukiah until I finished college and passed the bar ex[am].

Interest in the Law and Politics

BUSCH: Then I was in practice over there. I didn't do much practicing, but I was in a law office with a sign on the door for about a few months.

MORRIS: Did you do more politics than law?

BUSCH: I have all the way through, yes.

MORRIS: How did you get interested in politics?

BUSCH: Well, that was—my idea was politics from the beginning.

MORRIS: Was it?

BUSCH: Oh, yes.

MORRIS: What interested you about politics?

BUSCH: Well, I knew a good many of the lawyers in the community. There weren't a great many, but there were eight or ten. I knew them; I had quite a respect for them.

MORRIS: Was that [state senator and federal judge from Redding] Oliver Carter's era?

BUSCH: Oh, no, way before that. Of course, that was before I went to Sacramento, long before. But the attorneys there had had, no doubt, an influence on my desire to go into law. I never had any desire to go into anything else.

MORRIS: Really? Your father wasn't a lawyer; he was a farmer?

BUSCH: No, but he was a title man; he had experience in title work. It was in its infancy at that time, but he was well grounded in it and was in that business when he passed away. Of course, there's been a tremendous change from the old—what did they call it?—abstract title business, I think.

Judge [] Sayre, who was on the bench here in Lake County, passed away just within a year after I'd passed the

bar ex. This was less than a year. So the district attorney here went on the bench, and an attorney from Ukiah that was a very good friend of mine suggested he take over the judge's practice and I could come over here and work at it. And he'd help me when I got into difficulties, which was a lot of times. I was here I guess around a year and I was elected district attorney.

II DISTRICT ATTORNEY, LAKE COUNTY, 1930-1946

Water, Timber, Mining Issues

BUSCH: Our population was around 6,000, I guess, at that time. It's around 45,000 now. So I served in that office for sixteen years.

MORRIS: What kinds of things did a district attorney do in a small county in those years?

BUSCH: He does everything that pertains to the law. [Laughter] And a great deal more, because people depend on him. Here now we have, as you know, in the district attorney's office we've got a legal staff for just civil work, and there's another that has the schools, and one has the supervisors. I had all those.

MORRIS: You didn't have any assistants when you were the DA?

BUSCH: No. I didn't even have a secretary in the deal. So that showed it was a small county, of course. I think there were seven attorneys here when I came over.

MORRIS: In the whole county?

BUSCH: In the whole county, yes. It was never a good paying thing, because it was right at the height of the Depression; and when I came over here, that district attorney's office had paid \$125 a month, which was terrific. So the people got to thinking that was too much money, and at that time it was. So they cut that down to \$100 a month or something.

MORRIS: Was water a big issue around these parts?

BUSCH: Oh, the question of water?

MORRIS: Right: water rights, water supply, and water titles.

BUSCH: Oh, yes. There was quite a bit of litigation over at Clear Lake. I took care of that. They would associate other attorneys with me in some of those cases that took up so much time. You'd run into a year's time, you know. You wouldn't be devoting that continuously, but you would have to be available on them, you'd be working on them. And your other work had to go out, too.

The litigation affecting Clear Lake has been quite interesting. That's the first contact I had with Sacramento; we litigated the question of the flow of water out of Clear Lake, limitations on the flow of water. You see, some of the problems were, here's a big body of water; it has an outlet called Cache Creek, which runs for about two miles in Lake County, and it runs about eight or ten, I guess, over in Yolo County. So in those years of severe flood, people in Yolo County aren't happy about releasing the water up here if you could. And they fought that back and forth.

MORRIS: And Lake County wants to release it so it doesn't flood here.

BUSCH: They would want to release it at times. Then in a dry year, Lake County wouldn't want to release it, but there wouldn't be the water to release. That problem took care of itself. Yolo County would have been glad for a release or two.

MORRIS: Was there then a state arbitration board, or what did you do?

BUSCH: I worked with the Department of Water Resources at that time.

MORRIS: That wasn't organized till about your time into the senate, was it? Was there a predecessor body?

BUSCH: Oh, the Department of Water Resources was organized around '35, I guess.¹ At least at that time because it was operating then, and some of the men had been working in that department for quite a while, for several years. But they may have had a different name for it back at the time that I became interested. Because it was Department of Water Resources for about ten years during which I had contact with it. They did some fine work up here during that time, the engineers did. But Lake County and Yolo County didn't get along well, as was the case in any two neighboring counties in those days.

MORRIS: What about the Central Valley Project? Did that affect Lake County too? The federal government project, power and reclamation?

BUSCH: I can't answer that. I didn't come in contact with it as affecting the county. I don't believe it did, although it would have involved Clear Lake to a limited extent. But it would have been very limited, though.

MORRIS: Are there power-generating plants on Clear Lake?

BUSCH: No, there's no hydraulic plants in the county, or in Yolo County. This Clear Lake empties into what I said was Cache Creek down there by Lower Lake. You turned off there and came up here to Lakeport. And Cache Creek, which operates as a choke on the releases of water, why, the water flows down into Yolo County; and when it leaves Yolo County, it's the Sacramento River. It flows into the Sacramento River down there. There's a town of Rumsey? I've forgotten now.

1. The Division of Water Resources had been established in the Department of Public Works following the failure of the St. Francis Dam in 1928. As Busch mentions, the division was under the direction of State Engineers Edward Hyatt and A.D. Edmondston until the 1950s. In 1956, the Department of Water Resources was created as an independent entity.

MORRIS: Sounds familiar.

BUSCH: No, it isn't. It's a little town that's about twenty miles north of Woodland on the river there.

MORRIS: As district attorney would the federal relief programs have been something you'd have anything to do with?

BUSCH: We didn't even have them then.

MORRIS: You didn't?

BUSCH: No, I don't recall that we did. Let's see; what did we have? The relief problem was entirely operated as a county project. I don't think there was any federal funding at all until my last term. I was in my office four terms and four-year terms. Maybe the last year we had some indication of federal assistance at that time.

MORRIS: Was that because this was a Republican county and in the '30s and '40s we had a Democrat in Washington?

BUSCH: I don't think the political situation made any difference if the program developed throughout the state. It was a long time developing. The water program developed way ahead of the welfare program. Of course, the federal government did assist during that Depression time, when I tell you the salary was \$100 a month or something. There was assistance from the federal government, but not a great deal. Those were pretty rough times.

MORRIS: What were the politics of Lake County like in those days? What were the main concerns?

BUSCH: Well, I think with about 5,500, 6,000 people, I think it was pretty equally divided between the Democrats and Republicans. The senator representing the district at the time was a Republican, but he was selected by both Lake and Mendocino counties, so the political situation over there would have affected the selection of a representative to the senate or assembly from over there.

MORRIS: Does Mendocino have a different idea about what's important than Lake County?

BUSCH: Yes, there are variations. The economic condition of both counties—they're not wealthy counties, in other words. And they were small counties comparatively. Mendocino County for many years had a very large timber industry, and still has. I think they say that Mendocino and two other counties—there's Plumas and one other county—were the largest timber counties in the state at that time.

MORRIS: Humboldt.

BUSCH: I guess Humboldt would have been another. But we have quite a timber industry in this county, nothing like Mendocino, though. But the north country is in the Mendocino National Forest, and there's timber up there being cut from time to time, made available by the departments. Timber from any standpoint is pretty rough right now, from a natural standpoint.

MORRIS: Yes, since the price has been down for a long time, I guess.

BUSCH: But the Pacific Lumber Company up there changed the situation quite a bit when they started cutting the virgin timber, but I don't know what the ultimate effects are to be there. But there isn't a demand for the type of lumber that they used to manufacture. They've got so much wood today, plywood, for instance, and hardboards of many kind that's being manufactured over in Mendocino County. It's quite an operation, and will continue to be. And it takes the place of the old-type boards. They're still cutting the timber, but not in the same way.

That's one thing about this house. We practically rebuilt it. It was a small house at the time. The lumber that went into it was all prime lumber in those days; you wouldn't dream of putting that kind of lumber in a home today. But we had great, big 4x16s, for instance, timbers underneath the house.

MORRIS: Good, solid stuff.

BUSCH: Because lumber was so cheap at that time. We put a second story on the house. This is about the third time we've rebuilt the house. But the timber industry for the two counties had been a very important industry. Mining had not been for Mendocino to any great extent. It had been in Lake County, but this big operation here has taken over; there's very little mining outside of the gold mine down there.

MORRIS: But when you were district attorney, there was other mining going on throughout the county?

BUSCH: Yes. They were small operations.

MORRIS: Was it gold, or was it other kinds of . . .

BUSCH: There were other metals we had. Those mines sort of just gave way during the Depression. They never were big-paying operations.

MORRIS: And they didn't come back into being used during World War II?

BUSCH: No, they didn't. Mendocino County had one very substantial industry, and that's the coastal industries over there: fishing of all descriptions over there, and likewise the tourist business has grown tremendously on the coast. The lumber industry has almost closed down; comparatively it has.

Of course, see, the tourist industry has grown tremendously over here in Lake County. When I came here, for instance, this little town of Clearlake down here had a population of 10,000 or 11,000. During the time I was district attorney, I don't think they ever had over a hundred people down in that whole area. I used to know almost everyone in the county. At least I knew who they were, you know, and was acquainted with their backgrounds and their interests. But not any more. Of course, I was away quite a while over at Sacramento. And then I was in Berkeley for a couple of years, too, part of that time. The rest of it I've spent here in Lake County.

MORRIS: The couple years in Berkeley--was that when you were president of the [California] District Attorneys Association?

BUSCH: No, that came after; that was private work. The person I worked for was in the timber operation; he had a big operation, too.

MORRIS: His timber interests were here, or they were wider than . . .

BUSCH: They had some lovely property over in southern Del Norte and some over at Point Arena, some up on Willow Creek. That's Humboldt County, but it's right on the border up there of Humboldt County.

California District Attorneys Association

MORRIS: I was wondering about the year you were president of the California District Attorneys Association. Do you remember that?

BUSCH: Yes, vaguely. [Laughter] I haven't quite revived. I was looking through today's paper in the business section. They had quite an article on Hotel del Coronado down there in San Diego. At the time I was district attorney, president of the association, we held one convention there. We held another at Furnace Creek Inn and another at Feather River Inn.

MORRIS: You picked nice places for your meetings.

BUSCH: Well, they did a good job of it at that.

MRS. B: The only place we ever missed was Palm Springs. I never did get to go there. [Laughter] You know, when Burt was in the District Attorneys Association, his brother [James Busch] was in at the same time, and there were two other brothers, the Brazil brothers down in San Luis Obispo and what was the other county, Burt? It's unusual to have two sets of brothers at the same time.

MORRIS: I should say so, yes.

MRS. B: And then Jim followed Burt as president.

- MORRIS: Is that a job that you run for, or do you just go through the chairs?
- BUSCH: No. They give it to you to get rid of you probably. [Laughter]
- MORRIS: Well, Earl Warren was governor by then. He'd been active in getting . . .
- BUSCH: At that time he was the secretary of the District Attorneys Association. He developed through the District Attorneys Association in a political way into the attorney general's office, then governor, then chief justice.
- MORRIS: I understand that he's reported to have been really interested in upgrading the whole law enforcement, legal program in the state. Is that what you recall?
- BUSCH: I think very much so, yes. He did some fine work when he headed the district attorney's office there in Alameda County. He built that office up into a splendid prosecution and district attorney's office. Then when he became attorney general, he likewise contributed a great deal. He used to go among the district attorneys more than they do now, into the smaller counties as well as the large.
- MORRIS: Would he come up here when he was district attorney?
- BUSCH: Well, I just don't isolate those different periods because they all came more or less together. We had two District Attorneys Association conventions up here at Hoberg's [Resort]. One time he was attorney general and he came up, and the other time he was governor. But he attended those, and he came up here a few times during the intervals. He contributed an awful lot to the law-enforcement programs of the state.
- MORRIS: I was wondering if those were all his ideas or if all the other people, the district attorneys, were pushing for the same kind of improvements in procedure.
- BUSCH: A great many of them were, some weren't. We'd take up Mariposa County, maybe at Sam Lake, but I was interested in it, and so I probably took more interest than a great many. My brother

was district attorney over at Mendocino, so we had a mutual interest there. The district attorneys contributed a great deal; all of them did, because they were anxious to improve the caliber of the offices, and they have made some tremendous improvements.

MORRIS: When you were first district attorney, was there any kind of statewide identification and information exchange the way they developed in the Department of Justice?

BUSCH: Well, the Department of Justice had been developed then. We had the attorney general's office, which took the lead in that sort of thing. Some of the attorney generals were active more than others, and contributed more than others, depending on the individual. But Earl Warren made the highest contribution to the law enforcement of the state, to the work of the district attorney's offices.

See, he was district attorney when I first knew him, and that was around '32 or '33. At that time, they elected him secretary of the District Attorneys Association, so you can see he had been in there a long time. Then later he was elected vice president and president of the association. He was attorney general; he had all those built together, and district attorney of Alameda County. When he was in as governor he made some fine contributions, too. He made some that weren't so helpful to district attorneys, but maybe they were all right.

MORRIS: Really? Which were those?

BUSCH: Oh, the provision as to informing defendants; they went a little overboard on that. But he had a good purpose in mind because there was a lot of violation of rights of individuals in those days in some situations. These law-enforcement men weren't . . .

[End Tape 1, Side A]

[Begin Tape 1, Side B]

BUSCH: . . . getting his friends to carry the torch for him a little bit, and he wouldn't know anything about the law enforcement. But now you've got trained men going into those positions; it makes a tremendous difference.

III STATE SENATOR, FOURTH DISTRICT, 1947-1955

Predecessor George Biggar

MORRIS: What was going on in 1946 that made you decide to run for office in Sacramento?

BUSCH: Well, I thought it was a good opportunity, and I wanted to give it a try.

MORRIS: Was there a vacancy?

BUSCH: No, I ran against the incumbent. A good man, too, but he wasn't in touch with the district. It happens in those situations. I was widely acquainted with both counties, so I had quite an advantage that way.

MORRIS: Who was the incumbent?

BUSCH: At the time I went in?

MORRIS: Right.

BUSCH: [Senator] George Biggar was the incumbent at that time. Very fine man. He was isolated to a large extent. He lived in Covelo, and they didn't have the roads. He was responsible for putting in two good roads into that area, which helped out. But when he came out of Covelo to get to Ukiah, he had to go over the mountains from Dos Rios over to Laytonville, and then he'd come down the river to Willits, in that direction anyway and then to Ukiah or Fort Bragg. But a person's pretty well isolated when the roads aren't too good. Automobiles didn't travel over a hundred miles an hour, either, in those days.

[Inaudible] my daughter gave me this and I made use of it for a change.

MORRIS: You've got a file there?

BUSCH: I got this for Christmas. I just started one. I just tossed in all the deals I had there. I'm just sorry that the situation had been such here. I was operated on about six months before that fire.

MORRIS: Oh, boy. You've had a rough time of it.

BUSCH: So I didn't just pull out of it as well as I would have liked, but I'm beginning to feel a great deal better. But what I thought from talking to Mrs. [Carole] Hicke was that she wanted some of the legislative activity in the various counties that I represented. I'm quite sure that was the idea behind it.

MORRIS: Right. We'll get there. We like to get a little background.

BUSCH: Well, I'm glad to give you what I can.

Interim Judiciary Committee

MORRIS: Well, it's important what's going on in the different districts that has a bearing on, then, what goes on in the legislature.

BUSCH: Oh, it is tremendously important. I followed it somewhat. That's one of the reports we put out.¹ [Hands pamphlet to interviewer.] I was chairman of the Senate Interim Judiciary Committee, not of the regular Judiciary, but the Interim Judiciary Committee.² We set up that committee when I was first over there, and I served as chairman of that for about six or seven years. And here's one of the reports that's made.

1. "Progress Report to the Legislature by the Senate Interim Judiciary Committee," Sacramento, March 1952.

2. The Senate Interim Judiciary Committee was created by Senate Resolution 200, June 23, 1951.

MORRIS: This is a 1952 report. Why . . .

BUSCH: And you can see the effect of the fire; there's some of the fire on it.

MORRIS: That's a little smoke damage around the edge, yes. Why would you set up an interim judiciary committee?

BUSCH: It would serve during the interim of the senate--what would you call--recess.

MORRIS: The legislature only met a relatively short time in those days.

BUSCH: Yes. In the beginning, as I remember it, we met for a period of approximately six months. And then they adjourned for the balance of a year and for one year. So I think we met every two years at that time. So the interim committee was set up to take care of legal legislation, or appropriate legislation anyway, during the time that the senate was not in session. Otherwise, there would have been no work done with regard to those subjects. And you'd come back with the overload with a year and a half's work.

MORRIS: There had not been interim committees before.

BUSCH: I think I'm correct in saying there wasn't. We had a very fine man work with us on this committee; that was John Bohn. His name appears in there. He served as a counsel for the committee. John did an excellent job all the way through. Then after I left over there, he continued with this committee and he continued with the counsel for the standing committee of the legislature as well. He did some very fine work. Some of the law-book people engaged him to work with them in their publishing work.

MORRIS: Revising the . . .

BUSCH: Rewriting some of the books, different types of books.

Orientation for New Senators

- MORRIS: Before we get into the Interim Judiciary Committee's work, when you went to the legislature, did anybody give you any orientation, or did the freshman senators meet together? How did you find your way around?
- BUSCH: Well, yes, the senior senators—I made a point of having an occasional meeting at the beginning; and they were very helpful, too. But everybody was finding his way in those days actually. I'd had contact with the senate during this water-rights situation here on Clear Lake; so that gave me some acquaintance with it.
- MORRIS: Who were the senior men that you looked to for some advice?
- BUSCH: Oh, very good men. [Senator] George [J.] Hatfield was over there then. I don't know—have you seen his name? It's here I think.
- MORRIS: I certainly have.
- BUSCH: He was, if I remember correctly, [later] United States Attorney here in California, up for the northern district, as I remember. George was a Stanford graduate also, and had a wide experience. He was just a good leader and that sort of thing. He helped the freshmen. There were four of us went in at the time I went in; I think it was four or five. He took the laboring oar for informing us of the obligations or of the work of the legislature, how it was set up. Of course, [from what you learned] in law school you'd be pretty well acquainted with it in many respects in those days. And they didn't have such a variety of legislation as they have now.
- MORRIS: Yes. My list is that [Senator] Fred Kraft and [Senator] Gerald O'Gara came in with you.
- BUSCH: Yes, Fred Kraft. Who was the other name there?
- MORRIS: Gerald O'Gara.

- BUSCH: Gerald O'Gara was on—you notice his name on this interim committee. He and Senator [Earl] Desmond. I don't know whether you notice his name or not. But he was from Los Angeles; he was on the committee. There was Senator [A.H.] Way up in Humboldt County, and Senator Desmond from Sacramento were all on the committee.
- MORRIS: And did you and Senator Kraft and Senator O'Gara work together at all being freshmen, or did you get sent off to be junior members of different committees?
- BUSCH: Well, as to working together, I don't recall in particular; but if either one of us had had some legislation in which he was interested, he'd go to the other and talk to him about it. You did that with all the senators, as much as time would permit anyway.
- MORRIS: I was just wondering if there were some that you felt particularly comfortable with that . . .
- BUSCH: Oh, there wasn't any problem on that. I felt free to go and talk with any of the men that were in the senate. I had respect for them, or I grew to like a good many of them. I see Senator [Harold "Butch"] Powers is here. I thought a great deal of Senator Powers.
- MORRIS: He was the pro tem for a while, wasn't he?
- BUSCH: Yes, and then he became a lieutenant governor, I think it was.
- MORRIS: Did they call him Butch in the senate?
- BUSCH: Generally when they addressed him, no, it would be Mr. President. But he had nice relations with all the men there. You mentioned the representative of the north up there, Redding.
- MORRIS: [Senator] Ed[win] Regan.
- BUSCH: No, Ed was [later].
- MORRIS: [Senator] Oliver Carter.
- BUSCH: Oliver Carter, yes. Ed was in the District Attorneys Association at the time I was in there. He came in later, I

think, as I remember it. He was a good lawyer and made a good judge also.

MORRIS: He was in the senate for a while, too.

BUSCH: Yes, he was in the senate while I was there. I'm just trying to think of others. There was quite a little change in the legislature there at that time, more than you realize.

MORRIS: Yes, and what we're kind of interested in is how it worked, whether there were firm roles and the pro tem told you how it was going to be, or whether the younger fellows had some input.

BUSCH: Well, it was a combination of both, but you operate more or less, I guess—an easier way to explain it—under the Robert's Rules of Order, and then the president pro tem would determine any disputes between the parties as to those. Of course, they had the Legislative Counsel and all to advise them too. That was not a great deal of a problem. Fellows would go in maybe with one or two bills at a time, you know, and they'd have them pretty well worked out. They'd talk it over with other members so they'd know what the problems were procedurally.

I think you had in mind a question of whether or not there was a sort of a school or some fixed way of setting up the information and the procedure of the individuals. There wasn't a great deal of that except what was in the books. The president pro tem and clerk of the senate who had the advice of the Legislative Counsel would rule as to the questions that would arise. If you had any serious question of procedure, why, the president pro tem would refer it to the Legislative Counsel to report back at a certain time.

MORRIS: I see. [Senator] Clarence [C.] Ward was pro tem. [1954-May 1955]

BUSCH: Yes. He was in the District Attorneys Association while I was there too.

MORRIS: Isn't that amazing?

BUSCH: He represented one of the southern counties down there [Santa Barbara]. Senator Ward was a very capable man. He was a good president pro tem; he was a good lawyer.

MORRIS: Did he have a different way of doing things, say, than Butch Powers had?

BUSCH: Not a great deal. I think fellows that followed as president pro tem would have considerable schooling because they'd be in the senate probably two terms or three terms before they ever become president pro tem. So between the Legislative Counsel informing as to the legal requirements, and the clerk of the senate could come up for procedural matters to help out, and the president pro tem himself—although people would be giving help on any problem that came up.

We didn't have so many lawyers in there at the time I went in. Senator O'Gara and I went in together. And Senator Hatfield was one of the attorneys. And Senator—I forget his name; I'm getting rusty on these names. But from up there in Redding, a very fine attorney that was. . . . you spoke of him.

MORRIS: Ed Regan?

BUSCH: No, the other.

MORRIS: Oliver Carter.

BUSCH: Oliver was a very fine attorney and a very fine legislator and a leader in anything he went into there. He later became a judge.

MORRIS: He went to the federal district court.

BUSCH: Yes, that's right.

Locating Dams and Highways in Northern California

MORRIS: Well, and he's thought of also as taking a real leading role in some of the water legislation.

BUSCH: Oh, yes. Well, I know when I was district attorney we used to have what we called zone meetings where we'd go to the various

county centers probably once every four months or so. We'd have a social gathering, and we'd also have a business meeting with it. I remember we went up to Redding when they were building the dam up there. The same was true of the dam up on Placer—not in Placer County, but it's right up that way.

MORRIS: Shasta Dam, further up.

BUSCH: Shasta was the one I spoke of. Then there's another dam up there, and I don't recall.

MORRIS: Whiskeytown, or is that part of the Shasta?

BUSCH: Oh, that's part of Shasta County; I'm quite sure it is. That's a big dam, and it's a big operation, that Shasta Dam.

MORRIS: Yes, it is. It must have really made a difference to the local economy.

BUSCH: Oh, it certainly did. Turned things around. They just drowned out a few communities, I guess.

MORRIS: Was that a local fuss in the '40s if you were going to . . .

BUSCH: Not that I remember. Most of that they had started the work, so that sort of thing would have been pretty well ironed out before. And in the legislative work, I wasn't acquainted with the political situation, but they must have had some great times up there in that whole area.

MORRIS: Yes, where you build a road and where you build a dam usually causes quite a controversy locally, doesn't it?

BUSCH: Sure does. It used to in those days more than it does now because—even today it causes some controversy, but that type of work now is pretty well worked out in advance. Take the I-5 [Interstate freeway], for instance. The town meeting didn't do much about I-5 if they decided they were going to put the roads up there, which is a good thing. But look at the situation down in Marin and Sonoma counties. Goodness sake—they can't come to an agreement to take care of their highway condition down there; everybody has a different idea. They've

all agreed that they need more highway, an improvement of highways.

MORRIS: When you went over to Sacramento in '47, were there some special bills that you had that people up here were interested in you introducing?

BUSCH: Not a great deal. The bills that would come out of these small counties would be the bills setting up an additional judgeship. For instance, when I went into the legislature, there was only one judge for Lake County, one judge for Mendocino County. Today there are two judges for Lake County and there are three for Mendocino. Those changes have come through not while I was there, but since I was there.

Then you had some road legislation. Not a great deal. At that time there was one highway in which I've always felt quite interested because it affected both Lake and Mendocino; that's Highway 20. But that has become—month by month it's becoming more of an arterial for the whole northern part of the state.

MORRIS: Is that the one that goes over to Ukiah?

BUSCH: It's three miles north of Ukiah, and it takes off over towards Sacramento Valley, passes through Lake County and Colusa County. Now you just say I-5 and that's where it is. But in those days it detoured into some of the other counties. At the time this Highway 20—there was some controversy regarding that. I think Senator Biggar had a little problem with that. He wouldn't make a decision, or didn't want to, I guess, on Highway 20. There were a good many people in Ukiah that wanted to put Highway 20, that is the intersection of what is now [Route] 101 and 20 near Ukiah—that's the Low Gap Road over there—so it would come out over on the coast of Mendocino. The other route was from Willits over to Fort Bragg, and that's the present route that's been established. I had some legislative experience with that while I was there.

While I was there, there was the beginning of a statewide recognition that highways of the state were not just a problem for Paducah, but were statewide problems. The Burns-Collier bill was introduced while I was there and it was carried through. That made a tremendous difference in the legislative situation, and in the road situation.

MORRIS: Was [Senator Randolph] Randy Collier already there when you got there?

BUSCH: Yes, he was there, and was established as one of the leaders in highway legislation, and was a good leader too.

MORRIS: He was already pushing for a statewide highway . . .

BUSCH: Yes, it was called the Burns-Collier bill, the state highway bill at that time.¹

MORRIS: What was [Senator] Hugh Burns' role in developing that legislation?

BUSCH: Well, Hugh was Fresno or Modesto . . .

MORRIS: Fresno.

BUSCH: Fresno County. Well, Hugh was very active in anything that was affected by the legislature to begin with. He served as president pro tem over there for a time too. He took a definite interest in it, and he knew the procedures as well as anyone did. He was able to contribute a great deal to the passage of that measure, because it took about two or three years to get . . .

MORRIS: Really? Why is that?

BUSCH: They didn't pass it overnight.

MORRIS: Why did it take two years to pass?

1. Motor Vehicle Fuel and License Tax (SB 15, 1947), introduced by Senators Collier, Thomas McCormack, and James J. McBride. Hugh Burns was senate pro tem at the time.

- BUSCH: Well, it might seem to me three years. [Laughter]
- MORRIS: Well, two sessions and [Inaudible].
- BUSCH: Yes, that's what it would be. It wasn't all passed in one session; put it that way. The spadework was done on the outside during the interim of the sessions, so that you got the consensus of the people in different areas as to what they were agreeable to.
- MORRIS: As to where the roads would go and how it would link up with other areas?
- BUSCH: Where it would go, the location of it, yes. It's just amazing how time has passed and the changes. But when Highway—what was the name of the highway down through the Valley—99, I guess, there at one time—it went through a number of those communities. They came along with I-5 and they bypassed the whole business down there.
- MORRIS: When 99 was being built, everybody wanted the road to go through their community?
- BUSCH: Yes, and you had many local squabbles, which never seemed to develop when I-5 was considered. I'm saying that in a rather general way because I wasn't as active in listening and observing it; but I think that was the fact, that lots of the engineers and the federal government came up and said, "It's going to be this way," and "The shortest distance between two points. . . ." They by-passed a number of communities. It kind of astonishes me to see the number of them that were left off the main course.
- MORRIS: Is that the difference: when the federal government plans something and when the state does? The state was more concerned about local government?
- BUSCH: Well, with I-5 you were dealing with the federal government and with the financing. So they got into—the Burns-Collier bill was a state-financed bill.
- MORRIS: Is that the one that was financed by the gasoline tax?

- BUSCH: Yes.
- MORRIS: And there was a big flap about whether or not the gas-tax bill increase would be passed?
- BUSCH: Yes, there was quite a bit of it at that. The oil people were not anxious to have any tax put on the gasoline and petroleum products. But they came around after a while. But there was an awful lot of spadework there, which you don't have today. If the federal government has worked out a plan for an interstate highway, why, they're going to be able to get command of the favorable action on the part of the states, or the individual states, or they'll just say, "We won't go there," and the people get in line.
- MORRIS: Does the spadework involve individual senators going and talking to businessmen and other constituents in their local area?
- BUSCH: Oh, yes, very much so.
- MORRIS: Did you have any . . .
- BUSCH: There would be various meetings you would attend, and people would be interested in the Burns-Collier bill and how it was going, what was going to happen, and so forth.
- MORRIS: Like at Lions Club meetings and service club meetings, thing like that?
- BUSCH: Lions Club, and any one of many: the Lions, the Rotary, chambers of commerce all were different groups. And they would hold meetings for no other purpose than to hear from the legislator as to this particular legislation.
- MORRIS: What about organized groups like the [California State] Automobile Association? Were there many groups of that sort?
- BUSCH: Well, yes, but they didn't take sides on disputes between two small communities as to whether the road was going through their backyard or not.
- MORRIS: How about the question of whether or not the gas tax was . . .

BUSCH: Well, now you've raised the question as to the state automobile association. I don't think they took a definite, or attempted to take a definite, stand, excepting they made some contributions to the gasoline-tax situation.

MORRIS: So they campaigned to get the bill passed?

BUSCH: Yes.

[End Tape 1, Side B]

[Begin Tape 2, Side A]

IV INTERIM JUDICIARY COMMITTEE REPORT, 1952

Bar Exam Problems

MORRIS: Was the Judiciary Committee that you gave me this report on what you'd consider your most important assignment?

BUSCH: Not necessarily, no. Probably we'd have four or five of those come out. As the sessions became longer, we'd have more of them come out. Because we were putting out the reports even while the legislature was in session.

MORRIS: These reports are to kind of acquaint the other senators with issues that needed attention?

BUSCH: Well, they were to report back to the legislature as to what that committee had been doing.

MORRIS: This one is a 1952 report, and this has to do with accreditation of lawyers, admission to the practice of law?

BUSCH: Yes, that was very interesting legislation there, as to the state bar examination. Senator O'Gara did some very interesting work on it. He was able to take that whole procedure apart and pinpoint the results of. . . . That year there was a great deal of complaint because the state bar advanced--the number of attorneys admitted, the percentage of attorneys was way down. At first I think it was down in the fifties or something.

MORRIS: Only 50 percent of the people taking the bar exam were passing?

BUSCH: Yes, would pass. There naturally were complaints. Then they would refer the problem to a group, and I think they called them. . . . [Looking through report] monitors of something [Inaudible] the same thing. But another group to examine the examination procedures and the results, the individual actions of various members that were responsible for the examination. Of course, they'd give recommendations.

They found the thing went sour when they had to consider the re-examination of the results and found out that they weren't doing anything at all; that is, they weren't passing anybody. I'd have to review some of that to give you definite information, but that was a real solid question; and I think a good contribution was made by that committee because we met with the State Bar committees several times. We had some good men on there, on those committees, on our committee. I think they made some real--Senator O'Gara particularly made some very fine conclusions.

MORRIS: He was really interested in that problem?

BUSCH: Yes, and he was very capable at that kind of work, too, extremely capable.

MORRIS: There was also an investigation of charities in this report. Remember that?

BUSCH: I don't at the moment.

MORRIS: This is on the subject of charitable fund drives and solicitations. The basis for the investigation is "a belief that not all so-called charitable fund 'drives' are motivated by a desire on the part of those conducting them to perform a

charitable function, . . . that, in certain instances, personal profit . . ."¹

BUSCH: They could say the same thing today [Laughter]; there's no question about that. That subject wasn't given such minute examination as that of some of the others: the bar examination, the highway programs.

Inferior Court Reorganization; Traveling Judges in the 1980s

BUSCH: One very important program that we had there. . . . I have a list of what I—but I didn't want to bother you with them at the present. . . . A reorganization was called of the inferior courts. A lot of progress was made in improving that situation. The situation existed because, whether you realize it or not, the inferior courts, the justice courts, at that time were made up of people who were elected; and in these smaller counties in particular, the basic requirement of being elected justice of the peace used to be that you were indigent and needed support. So that fifty dollars a month which was paid to the justices would go to men that—good men, too, but . . .

MORRIS: Not necessarily trained as a lawyer.

BUSCH: They had no training at all in the law. So that the Chief Justice of the Supreme Court of California took the lead in this program for reorganization of the inferior courts. I think that was Phil [S.] Gibson; I think that's right. A very capable man. They showed the vice of these situations where you had incompetent people determining the legal rights of citizens. It was a horrible situation. The district attorneys, when it came to criminal law, were practically the district attorney and judge, which didn't seem to be quite right.

1. Ibid., p. 28.

MORRIS: I see. The district attorney would have to help the justice of the peace?

BUSCH: He'd have to help the judge out and tell him what was proper. We had one judge I remember here in Lakeport. A good old Joe, gentleman; a very fine old man. But he didn't have the business skills to acquire any money, I guess. He was elected justice. He couldn't hear; he was stone deaf. He had a great, big, old horn, one of those big, old, black horns; and he'd come out there listening with that thing and doing his best to hear. But if you'd tell him the answer is white, he'd say it's red. [Laughter] It was that difficult.

But there were a great many other things. You didn't have any basic training for these men, and they didn't make any contribution to the improvement of the law. So you just went on with their harum-scarum situation. It wasn't dependable at all, and certainly didn't create justice of any kind.

We made recommendations that were directed toward qualifications for all justices, inferior court or any other court. We didn't have so many of the special courts at that time, and the justice courts you didn't have, and some of the others where there was no training required at all. From that time, and it shows up in the discussion and in the report, too, there had been a tremendous improvement in the court situations. I know I've listened to the, or read considerable of the changes that were made, and I think, by Jove, we were on the right track. That requirement that there be some kind of training helped out.

Finally it got to a place where the State Bar and the legislature could come out with training requirements and examinations. Also you got to the question of compensation. How could you expect anybody that was busy with a law practice to carry on a JP's work, you know. They did remarkably well, I feel, but it was just one of those harum-scarum things.

- MORRIS: Well, justice courts have pretty much disappeared now, haven't they, in the '80s?
- BUSCH: No. In this county, they're all justice courts.
- MORRIS: And they deal with different cases than a municipal court?
- BUSCH: Yes, they just have a lesser jurisdiction is all.
- MORRIS: Of less serious matters?
- BUSCH: Yes. So if it gets to the place where a county has, the work increases, then a county will come in. . . . They're considering it even here, a municipal court, because the salary is higher and the requirements are higher, so the caliber of people you get are capable. And they're people, too, that can go on into the superior court or into the appellate court situation and make very competent contributions.
- MORRIS: So that nowadays a man who's on the justice court could be promoted to the municipal court if there was an opening?
- BUSCH: He could be appointed or elected, depending on your county. Also, the courts now, in the superior court system, they appoint justices of the peace or municipal judges to conduct superior court work because they know they're trained. Then people know, too, that they're getting a just administration on their problems which didn't exist before.
- MORRIS: Does a governor appoint justices of the peace?
- BUSCH: No, the board of supervisors, I think, appoints them. Whether the governor gets in on the municipal court now I'm not sure. It used to be it was the supervisors. I think it still is; I don't think the governor has anything to do with that. But it's relieved the situation in the superior courts that they can call in a municipal court judge or a justice of the peace. Now we've got two justices of the peace from Lake County that do practically no work in Lake County. They're appointed to do work in the overcrowded superior court areas. We have one judge that's been down in Imperial County for months.

MORRIS: Really? They travel all over the state?

BUSCH: Oh, yes, all over the state. But they're qualified. The municipal court judges are—not all of them; we can't say that. But most of them are well-qualified men and can do satisfactory work. And they take care of a great deal of work that is more or less routine for the superior courts, so as to relieve the superior judges for those cases that require more consideration and maybe involve more money or more something.

I'm just thinking. Mendocino County the other day, our Judge [John J.] Golden from here tried the case over there. Some of the narcotic individuals, officers, made a mistake. They went in and they forced themselves upon a family and just held them prisoner for about a half day in their own home; wouldn't let them go out, wouldn't let them talk, or anything. A verdict came. They had a Mendocino County court, jury, and they gave those people \$8 million. I'm wondering whether or not that might be a little bit strange. But it sure has created some consideration, that's true.

MORRIS: Is the matter of awards in court cases, is that something that comes up for legislative consideration?

BUSCH: Oh, yes. The whole question of the power of those courts is all written out by the legislature.

MORRIS: Did your Judiciary Committee meet with Chief Justice Gibson on some of these questions about upgrading the courts?

BUSCH: Oh, yes, he was with us most of the time because he was spearheading the thing for the courts. Will you pardon me a moment?

MORRIS: Sure.

[Rest break]

BUSCH: . . . kept me from doing the work I'd like to on this. But I've got those out of the way. Don't let me interrupt you there on the tea, though.

- MORRIS: That's fine. I think we've pretty well dealt with that unless there are other things you wanted to say about . . .
- BUSCH: Well, I might go through here because you may find some things that you would like to emphasize.

Marijuana Question

- MORRIS: Okay. Why don't you run down them?
- BUSCH: They are just thoughts I had. I had the inferior courts reorganization. We had the drug question come up then while I was over there, too, marijuana. That was the only drug they were talking about. But it was quite a different subject today than what it was when they brought it up over there, in the approaches they had. Because they had practically no law on it; it was just a general statute. This situation I tell you about where the judge and jury came in with \$8 million there, that was a result of the drug situation.
- MORRIS: How did the drug question arise? Was this in a rural community or was it coming up in the cities?
- BUSCH: In the legislature there. The rural communities weren't conscious of it to any extent. In fact, people generally weren't very conscious of it.
- MORRIS: What brought it to the legislature's attention?
- BUSCH: Well, it got to the place where there was enough of it so that somebody spoke to a legislator about it, and he brought it up. But there was nothing like you have today. As I say, there was only marijuana considered then. Marijuana wasn't any problem in Mendocino, even then in Lake County.
- MORRIS: Nobody was growing it in the woods around here?
- BUSCH: No. You know, when you read about those counties, the problems they have, where people are. . . . Mendocino has it, for instance, where they're growing this marijuana way out in remote areas. And they set out traps, all that sort of thing, you

know, to prevent prosecution of any kind. Gee whiz, you take an officer, why, gets out there in some of those places by himself, I think he's probably a little bit nervous at times. I don't blame him for being. But it's a horrible darn situation that's developed in the drug traffic.

V VARIED LEGISLATIVE INTERESTS

Hearst Castle Acquired as a State Park

BUSCH: Well, there was a situation, a subject came up with joint tenancy and changes that were suggested in the law regarding joint tenancy. That was limited of disposition of state property that was held in joint tenancy. Then there was the Hearst Castle [San Simeon] that was taken into the state park system while I was there. I served on the Natural Resources Committee; the question of the Hearst Castle was submitted to them.

MORRIS: Was there a problem as to whether or not the state wanted to accept it?

BUSCH: Not so much. I think the state was glad to accept it. I think they got around the problems of costs and so on of taking it over.

MORRIS: How did you deal with that?

BUSCH: Well, actually we didn't do a great deal of [Inaudible] with it. They had reached the place and had come to us where the state was pretty well satisfied. The Division of Beaches of Parks, I think it was, was satisfied, and it didn't present a problem. I was always interested in--it was a beautiful darn structure and I was interested in going through it while we were investigating the situation. I think the state's very fortunate to have that property. It's just unbelievable the fortunes that were spent to finally establish that property.

- MORRIS: Amazing structure, yes. Did it mean a great tax loss for anybody?
- BUSCH: No. There's some, but not a great deal. But it meant a tax savings to the Hearst people. That's why they gave it to the state; they wanted to get rid of it. Have you been up there?
- MORRIS: Yes, I have been fortunate to go on a tour.
- BUSCH: You can see the enormous money involved in that place.
- MORRIS: It's a remarkable structure.
- BUSCH: It's in a beautiful location, too. If you ever put taxes on it, it would be quite a value.
- MORRIS: That's true.
- BUSCH: I just happened to pick that one off because I was interested in a personal way. It seemed to be a lovely improvement.

State Asylums Become State Hospitals

- BUSCH: There was the Highway 20 completion which came up; I mentioned it to you. There's two superior courts in Mendocino County. There was another came up in changing the designation of the state asylums to state hospitals. That was really a very important piece of legislation, I felt, because by changing the name to hospitals, you eliminated an awful lot of the grief that was attached to the old procedures relating to asylums. And even the people that had need of care necessarily, they weren't criminals. And yet you put that name "asylum" behind a person's name, and he's branded forever; he feels that he is, anyway.
- MORRIS: Was that something you were concerned with as district attorney? Doesn't the DA make the commitments?
- BUSCH: Yes. The only way of proceeding to have a person admitted for care in a public hospital or asylum was through a court process. The procedure was to come in and you'd have two doctors present. The superior court judge would preside, and the district attorney or some other county attorney, public

attorney, would present the situation and then question the witnesses.

But it was all a criminal procedure. A man would come in and question whether or not his daughter didn't require some care. There was some mental aberration and they couldn't cope with it at home. So they'd have to put her somewhere where there was constant care. Well, he didn't enjoy condemning her to an asylum because right away that says she's crazy. She may have had all the--been very competent in many ways. But maybe she had run off or some blessed thing. That didn't mean she was criminal in any way. But's that the way people reacted to it. I saw many of them.

That was one of the reasons that Judge [Inaudible] asked me to serve as chairman of the committee that the hospital directors had set up to deal with this problem. I was one of the few fellows that was in the legislature at the time and knew of the problem you had and the effect of the problem on individuals that were committed to an asylum.

MORRIS: Having had the procedure go through your district attorney's office.

BUSCH: Yes, that was one of the reasons they had a group of the directors of the state hospitals that would meet periodically. I would say they met once every quarter during the session, three times maybe. They'd have a dinner and discuss this problem. Having this committee, why, I was working with it on the committee. I worked with these folks in getting through the legislation to eliminate the word asylum, and substitute the word hospital.¹

1. By 1947 when Busch took office as a state senator, the term state hospital had replaced "asylum" in state documents. It is likely that as Lake County District Attorney he assisted in encouraging the legislature to make this and other changes in state care of mentally ill persons. That year, Busch introduced measures to improve state hospital commitment procedures (SB 746) and release of patients confined under sections of the Penal Code (SB 1001).

MORRIS: Would this be when Frank Tallman was head of the Department of Mental Hygiene?

BUSCH: No, it was after I think. I'm not just sure.

MORRIS: When Dr. Portia Hume was . . . [deputy director?]

BUSCH: No.

MORRIS: That doesn't ring a bell with you I can tell.

BUSCH: No. They had an asylum at Ukiah, and again that's what we referred to a person, kids when I was going to school. We'd say, He was in the insane asylum.

MORRIS: That's the old word from the 1800s.

BUSCH: Yes, and that continued. But it was a horrible thing for the families of people that had to be treated and a horrible thing for the patient. Everybody suffered from it. There was no need for it, either. But we worked a whole year to get that darn thing through, and it was finally to the top of social legislation.

MORRIS: Was that a bill that Mr. [F. Presley] Abshire had introduced, or was he earlier?

BUSCH: Senator Abshire came during the time I was there, I think.

MORRIS: I'm familiar with what they called the [Short-Doyle] Community Mental Health Act [1957] to start mental health clinics and information programs.

BUSCH: No, well, that came afterwards. This was the real villain as far as mental health was concerned. Of course, calling these people crazy and insane and all that worked a hardship on everybody: it worked a hardship on the attendants and the administrators of the various hospitals.

MORRIS: That must have been a very satisfying bill to get through.

BUSCH: Well, I was surely happy to see it go through. There shouldn't have been any trouble at all getting it through, but opposition develops in those things. It's amazing how people could come up with objections to the finest legislation in the world.

MORRIS: Really? Do you remember what they objected to about this legislation?

BUSCH: No, I don't recall. Because I wasn't listening to anybody that was objecting to it. [Laughter]

MORRIS: Good point.

BUSCH: Of course, they had the matter of judges' salaries come up periodically, you know. I mentioned the creation of new departments, but also the judges' salaries are matters that came up, or that were constantly coming up, in various counties that had to be dealt with.

[End Tape 2, Side A]

[Begin Tape 2, Side B]

BUSCH: . . . of peremptory challenges to superior court judges. We had a situation during those days where--a very considerable minority, but we had them existing--where men would go onto the superior court bench and for some reason or other they'd feel that they were appointed by heaven and they were in charge of disciplining the world. They were contemptuous of attorneys, of clients, everybody. They'd just disrupt the entire procedures, you know, with their attitudes, so that you didn't have justice at all.

So we provided that in any case, if an attorney had a case in the superior court, and, if he felt that the judge appointed to that case was objectionable, he had one peremptory challenge, and that would mean that there would have to be another judge appointed. I think it was correctional in many ways because you take the judges that were on the borderline, they didn't intend to get out there and make themselves targets as being prejudiced or being the victim of a peremptory challenge by the attorneys. So it did a lot of good. It went through without any argument at all.

First Billion-dollar State Budget, 1948; Salary Increases

BUSCH: The first billion-dollar budget--that sounds like small change now--came while I was over there in I think it was '46 or '45, somewhere around there. Wait a minute; not '45. It would be around '51 [1948].

MORRIS: Did that create a big uproar in the senate, that it was too much money for the state to be spending?

BUSCH: Oh, heavens, yes. Naturally that was the objection to it. Of course, it made up a tremendous number of bills, and also growing population, which--there hadn't been a problem before, and suddenly the problem exists. Certainly you've got to finance it. Anyway, when it went over the billion, why, we were big shots or they were ready to shoot us, one or the other. But a billion dollars today is small change in that business.

MORRIS: Did the legislature think that Governor Warren should cut that budget?

BUSCH: Well, no. The fact of it being a billion dollars just was the total of how much was being appropriated, but the governor still had his chore to examine all bills and sign them, and either approve them or disapprove them, and leave it up to the legislature whether they were going to go along with the governor or override his veto. But just the amount of the money that was being spent by the state then as compared with that today impressed me. Maybe it wouldn't impress somebody--maybe they're dealing with billions more than I am.

Excuse me just a minute. Did you find that tea was all right?

MORRIS: I found that tea was just lovely; it's very refreshing.

BUSCH: Our floor-covering situation developed from the fire. This top rug here was in this room.

MORRIS: Lovely carpet.

BUSCH: Well, yes. But personally, we've got the carpet underneath it, see, and it's too bulky for it. However, I was glad the upstairs—it's all carpeted similar to this. I stepped out of the bedroom there and there's a little incline, and I tripped.

[Coffee/tea break]

BUSCH: . . . the judges' salaries used to be—well, the governor's salary was quite a problem, too. When I went into office, Governor Warren was receiving \$12,500 a year. Does that give you some idea of what the expense [Inaudible]? Today the governor's salary isn't what it should be. But being a freshman, I was anxious to change that a bit and get the governor's salary up to \$25,000. And everybody was for it; you couldn't argue that the governor should be paid \$12,500. But it just hadn't come up.

MORRIS: No governor had mentioned the question?

BUSCH: Governor Warren said, "When I came in, they were paying me \$12,500; I'm not going to take part in it" I said, "Well, Governor, you don't have to, either."

MORRIS: Did you introduce that legislation?

BUSCH: I introduced that, yes, and it passed.¹

MORRIS: Good for you. How about legislators' salaries in those days? Was there concern about raising them too?

BUSCH: Yes, and they did raise them. See, when I went over there, it was a hundred dollars a month salary, plus a per diem of twelve dollars a day, I think it was. For I guess the first three years I was there, that's where it stayed. Then they increased it. I think they increased it to \$150 or some blessed thing. The last year that I was there, they increased

1. SB 746 (1947), urgency legislation, co-authored by Busch and a majority of senators.

it to \$300, which was a gold mine compared to what they'd had before. And that's when I left. But my brother came over and took my place.

MORRIS: He benefited from your hard work.

BUSCH: Yes. But now the salary's around \$72,000 a year, or something like that.

First Legislative Pensions

MORRIS: Was there concern in your years in the senate about a pension program and a retirement program that they finally put in in the 1960s, when it became controversial?

BUSCH: Yes. I remember Senator Hatfield did this; none of the rest of us were conversant with the problem enough to get into it, I guess. Of course, after he stated it and explained it, naturally we'd be for it. It was not very much because it was based upon the percentage of the salary you were being paid at the beginning. I know the first state legislative pension came while I was there. What it was was a very small amount, because I remember it was on a percentage basis. But all of us that were in there, we had some idea that they'd probably increase that some day; so we did it.

MORRIS: Did that take several years to pass?

BUSCH: No, we got that through without any great problem. Then other bills were passed, bills passed to correct past mistakes and so forth. [Laughter] And then in '66 they came up with—I'm not too familiar with just what they did there.¹

MORRIS: That would be after you had retired.

1. Proposition 1, passed in 1966, increased legislators' salaries and pensions.

BUSCH: Oh, yes, that was after I was out of there. I've forgotten. There was quite a stir over that, and some litigation as well. But they began to increase it, anyway. The question was who would be affected by the increases. So that spread around over a period of years. They've gotten, I think, a pretty good legislative retirement bill there now. I got some benefit of it; not a great deal, though. But you can imagine working over there at a hundred dollars a month and having to try and operate a law practice of some kind. And in those days, a law practice wasn't a paying deal, anyway.

MORRIS: It wasn't?

BUSCH: Not there in the '30s and '40s, no. And into the '50s, I think the salary got to be \$300 in '56, I think it was. The governor's salary is now up—it's not much more than the legislative salary of \$72,000 or \$73,000; it's up in that neighborhood.

Fish and Game Legislation

BUSCH: One type of bill that you had coming up all the time, probably more in the smaller counties was the fish and game legislation. People didn't pay any attention at all to the legislature for most of the year, but when it came time to determine the deer season, they were all there. [Laughter] So you spent a lot of time with fish and game gatherings. That's changed a lot, although the legislature doesn't deal with the specific problems of seasons any more; they're pretty well established. Although at present, they're having a problem in preserving the—as soon as they get one law established that satisfies the hunters, then the people that are interested in conservation come in and they want to change that so that we don't wipe out all of the deer or ducks, and so on. So there's a constant war going on there.

It occurred to me just a minute—on the television do you watch the Discovery channel program at all?

MORRIS: No, I don't.

BUSCH: They've got a splendid program there in my judgment, and I believe it's conceded they have. They have these fish and game projects and problems. They have programs relating to them, you know. I think we have a much different situation today with relation to deer hunting. We still have a great many that are rabid on the subject, but I used to enjoy going hunting. I used to go up into Modoc County. But I have a different attitude toward it today, and I think people are generally developing a different attitude. Now the situation is developing where the conservation of the game life, not only in California, but in Africa, India, wherever—all over the world. . . .

MORRIS: As opposed to the enjoyment of the hunting, the hunters' enjoyment in going out and shooting.

BUSCH: Yes, and the commercial value of the pelts and so on, the furs. It's a change. They had a very interesting program the last day or so involving that—it isn't called a zoo now, but a game farm, something of that sort, down in San Diego. That's a tremendous thing. I guess Vallejo has a good start over there.

I just got those subjects out; I thought maybe . . .

MORRIS: Good. I'm really pleased to have them. That gives me some clues as to where to start tomorrow afternoon.

BUSCH: Okay. Well, I wish I could be more help to you, but . . .

MORRIS: I think you've filled in a lot of holes. I really appreciate it and I really enjoyed it.

BUSCH: Thank you very much. I've felt guilty because I haven't been able to do more on it.

[End Tape 2, Side B]

[Session 2, February 17, 1988]

[Begin Tape 3, Side A]

VI LAKE COUNTY CONCERNS

Pear Capital; Few State Services

- BUSCH: Then I served as deputy district attorney for a while in the '70s or '60s somewhere. They moved during that period over to the new courthouse, the new offices.
- MORRIS: I see. You came back later on and served as a deputy.
- BUSCH: Yes.
- MORRIS: Good for you.
- BUSCH: I've had twenty-five years of experience in that office, I guess, in addition to the state office.
- MORRIS: Good. When I was driving over, I saw a sign that said that Lake County was the pear capital [of California.] Does that go back a ways?
- BUSCH: Well, they could claim it in a certain way, I think. They do produce a large quantity of pears here, and they produce a Grade A, one of the best pears in the state. The pear industry has changed so much in the last, say, thirty years or so. The premium orchards aren't what they used to be, that is, they'd size up, you know, to a satisfactory commercial pear. Now everything is so uniform; your pear has to be a certain size or it doesn't get taken, you see. But the climate here makes a considerable difference. Mendocino is somewhat the same. Lassen County over there has a similar condition of climate.

MORRIS: You mean cold weather?

BUSCH: Cold at a certain time, probably not too extreme, either. But as a consequence, Lake and Placer produced the premium pears, and still do, but there isn't a premium put upon the pears of these two counties that there was before because the way they produce them, why, the pears are produced to come to a certain size and then be harvested.

MORRIS: When you were in the legislature, were the pear growers a big enough industry that they had concerns for you to take to Sacramento?

BUSCH: Yes. I've noticed that I should have brought out some of the items that would be interesting to you. This was a very fine pear-producing county way back beginning in the '80s, actually. It would probably be about 1890. I'm not sure of that. And Mendocino is a good pear-producing county. But I think they're producing more here than they do in Mendocino. That's the prime agricultural industry, I think, Bartlett pears. Then it tapers off, I guess, to livestock and gets back to walnuts. The problem with walnuts, the price has not been so good for a number of years. Consequently, the industry isn't as happy as it might be. But we have an area up here called the—up near Upper Lake—it's reclaimed, reclamation land, actually. They can produce almost anything in the world in that place, and produce it with profit, and without the problems that you have in the other areas in the counties.

MORRIS: They have plenty of open space?

BUSCH: Well, they've got more than that. They've got soil that's a mile deep, I guess. It's [Inaudible].

MORRIS: Oh, from being a lake bottom.

BUSCH: Yes. The Scotts Creek out west of town, which is the main stream of that area, goes into the lake up here, Upper Lake, near this reclamation district. A good deal of that soil has come down from the Scotts Valley area through Scotts Creek.

MORRIS: Was that reclamation project a federal project, or was that state?

BUSCH: It happened before I was involved.

MORRIS: Okay. I was just wondering what kinds of . . .

BUSCH: I think it's head was darn near in the next county. No doubt some state permission must have been required to interfere with the flow of the water. But I had no contact with that. The county was administering the reclamation district, however, when I was in.

MORRIS: I see. Did the growers have any things they wanted you to get done for them in Sacramento? Price support?

BUSCH: Relative to the reclamation district?

MORRIS: No, just in general. Farm concerns.

BUSCH: Yes, they did. I have that in mind, too. I was going to tell you this reclamation district, though--that was another duty of the district attorney, to give them assistance. So I had an acquaintance with that over about sixteen years, something like that. They now have their own personnel, attorneys and so on. It's a good operation, but they've got the basic soil there to go ahead with it. It's a splendid situation.

You're asking the question of whether there were many questions came from agriculture as to the state government and requests for legislative changes. The answer would be yes. There are so many fields. I was reflecting on that. When I first came here--I was in office I guess 1930 or '31, anyway--they had no Highway Patrol at the time. There was some arrangement whereby the county had one Highway Patrol officer. The Fish and Game had their personnel here and quite a few game wardens. Not quite a few, but there were two or three game wardens in Lake and Mendocino counties. The Department of Forestry also had some headquarters here. The main office was over in Glenn County, but they had to have the men here on the ground in case of fires or other work in the Department of

Forestry. The Highway Patrol had one man when I went into the legislature. I think we just had one member. No, they had three.

MORRIS: For the whole county?

BUSCH: Yes, for the whole county. And Mendocino County was a little better off. They had a few more because they were on Highway 101. But even they didn't have any organization to work with at all; it was up to the individuals, more or less.

Highway Needs in the 1950s

BUSCH: Now another observation would be that even in 19—I guess in '47 it was different—but say around 1950, there were practically no roads in the county. When I came here, there were none, excepting there was a street here in Lakeport. And maybe somebody had some oil on his driveway or something. Of course, all the roads were dirt roads.

MORRIS: Dirt roads all over to Ukiah and down to Middletown?

BUSCH: Yes. All the approaches to Lake County—they didn't have the approach from Williams that we have now. At that time, in order to go to the valley, you had to go out to Bartlett Springs up here, over a rather tortuous road, and then out east to the Valley, and came out somewhere up near Glenn County, Willows. Then they'd go down through Colusa County, to Yolo, and to Sacramento. It was really a tough trip.

Now the other trip was—when I came here, I guess they had just discontinued the toll road over at St. Helena. But it was still a dirt road. In order to go in any other direction than out through Bartlett Springs, it was a real rugged trip. They had to go out through St. Helena down to Napa, up through Sonoma, and then down to . . .

MORRIS: To get to San Francisco.

BUSCH: Let's see. As they got out of Sonoma County, they were practically—I guess it would have been Yolo. Anyway, that highway went over practically to Vallejo. However, it branched and went north. But you had to go up through a number of communities to get to Sacramento then. Let's see. You came in about Woodland, I guess. The approach a few years before I came here from the south was up through the Capay Valley and Rumsey up to Lower Lake. The freighting was all done through Lower Lake practically. They would distribute items up here in Lakeport. The approach to Lakeport was up through Cloverdale, Aida Creek. I don't know whether you realize where that was or not. That's the part of the highway between Hopland and Cloverdale.

Then they came over the mountains to Kelseyville first, and from Kelseyville up to Lakeport. There was a road up into Upper Lake, but it was only used locally. Generally, that was its use. It was a dirt road. You could travel it all right, but if you were traveling over the ridge, a wagon horse and buggies. . . . I've been surprised at the way Potter Valley—you know where it is, I guess, over there. It's a little bit north of Ukiah, north and east.

I was looking through some papers my grandfather had. He kept sort of a journal and he was telling about making a trip up to his home in Potter Valley. In making the trip, he had to come to Cloverdale and then up to Aida. There was a toll road at the beginning, and they took that toll road, the [Inaudible] states did, over to. . . . First they went into Kelseyville and they came up to Lakeport. They could go to Upper Lake. There was no road around the lake to Lucerne over there, Nice; they had to go on a boat. There was this resort community over there, at Bartlett Springs. It was well known and well patronized for years.

But when people traveled to the resorts in those days, they'd make a stay at a particular resort. They wouldn't go to one resort and get up the next morning early to get to the next one where they had a close bar or something. So the people would go there and stay a week or two weeks. The same thing was true of Howard Springs out here, and Adam Springs. They had the mineral waters. There was a claim that the mineral waters were health producing.

Anyway, people would go into those resorts with the purpose of drinking the water. The same thing was true over at Vichy Springs, which is not operating, I don't think, now. But they had a nice resort over there. And Witter Springs up here was another.

VII CAMPAIGNING IN 1946

Personal Contact, Low Budget

MORRIS: By 1946 when you were going to run for the legislature, how did you get around to the people in Lake County to tell them you wanted to represent them?

BUSCH: Well, see, we had cars by then, of course. I just traveled to every house in the county, I guess.

MORRIS: Did you go door to door?

BUSCH: Oh, yes, door to door. You almost had to because the population was so spread out; you didn't have the population at the centers that they have now. And in the centers you didn't have a great deal, excepting the stores and a church or two, maybe one bank—one or two little centers, and that's all you had. So to see people, you had to travel around; that was the only way to do it. Of course, they would meet at various centers during the week and they'd have special dates. You could make arrangements to be present at those meetings. The chamber of commerce was very active in those days; it's still

active. That was true in Mendocino County; it was the same thing.

MORRIS: Were there people you'd talked to before you decided to run who said it's a good idea and we think you can win?

BUSCH: No, I think I decided that myself.

MORRIS: On your own.

BUSCH: Yes. Oh, I naturally talked to friends about running and got their impressions, but my mind was made up at the time. There wasn't much on which people could base judgment at that time as to how an election would run in the counties, you know.

MORRIS: Was there any kind of a local political committee, Democratic or Republican?

BUSCH: No, that was all foreign to me; even when I ran for the congress, it was pretty much that way. The big trouble with that situation—now the pendulum's gone the other way, but at that time it was a matter of finance. I never had finances behind me.

MORRIS: How much did it cost to run for the state senate in the '40s?

BUSCH: I would say in this county or in Mendocino probably \$1,500.

MORRIS: For the whole district?

BUSCH: For the whole county. Not for the whole district. That would have been \$2,000 for the entire district. Excuse me just a moment.

[Interruption]

MORRIS: It took about \$2,000 to run for the district?

BUSCH: I would yes.

MORRIS: How did you raise that money?

BUSCH: You raised it yourself, or you just borrowed.

MORRIS: From your own bank account, or did you go out and ask friends to raise money for you?

BUSCH: Well, I don't recall. I read now about these donations and so forth. I don't suppose all the donations I received in the eight years I was running for that office would have exceeded

\$3,000. I don't think it would have exceeded that in both counties.

MORRIS: For all your campaigns.

BUSCH: For the whole business, yes.

MORRIS: Now they do a lot of fund raisers. In the '40s up here did they have barbecues or picnics?

BUSCH: No, there wasn't anything of that sort then. Nobody was going to put up any money to—well, they didn't have it to put up, generally.

But when I began, the term was six months. So I was there first one year, and then there was a recess for the following year. So that there were actually two periods every term of six months each. They began to unravel though, as I was old there, and headed toward a year-round job; it became permanent before I left there. The salary didn't change very much, though. [Laughter]

MORRIS: When you were campaigning, was your brother already practicing law over in Mendocino County?

BUSCH: Yes, he was district attorney over there, Jim was. Jim was a year younger than I. He was district attorney in that county. He'd practiced there before he became district attorney, but he served about twelve years, I think, as the district attorney over there.

MORRIS: Did he help get people interested in your campaign in '47?

BUSCH: Oh, sure, he helped me. But it wasn't financing. He would see most of the people in the county same as I would, and he'd give me pointers as to who to contact, although as I told you I lived over there before I came here. So I was pretty well acquainted with that whole county. And I had relatives there.

MORRIS: Did you have anything like a campaign chairman or committee that ran around for you?

BUSCH: No, we didn't have the money to print the stationery. That's all changed.

- MORRIS: I have seen some little postcard kinds of things that candidates in other districts mailed out to people. Did you use anything like that?
- BUSCH: Well, I did have those small personal cards that I would hand to a voter when I met him. I didn't mail out very much, but there were times when we did mail out maybe a form letter. But there were only two or three times that I did that. I did that once when the highway bill was before the senate. And as I told you, the gasoline situation affected the oil companies, and they put out quite a bit of literature opposing the highway bill, that is, the financing of it: "You can have your bill if you want it, but don't force us to finance it."
- MORRIS: "Don't raise the tax on gas."
- BUSCH: No, "Don't put a heavy tax on gasoline." And it shouldn't all be on gasoline, either, but a good portion of it, a basic part of it should be. Other industries that don't use the highway, they get the benefits, however, from the travel, from having good roads in your community. Take your stores; merchants of all descriptions there. They were interested in having people come here. If there weren't roads, they couldn't very well get here. So that made a big . . .

Republican Party Activities

- MORRIS: The legislative handbooks say—I can't tell whether you were a Democrat or a Republican since there was cross-filing.
- BUSCH: I ran as a Republican always. I don't know that I was good or bad, but I've always been a registered Republican.
- MORRIS: As a matter of you inherited it from your father, or were there particular things about the Republican party?
- BUSCH: I think it came through the family. My grandfather was a very staunch Republican. He wasn't intolerant of a Democrat, but he

didn't pay them much respect mentally because they were Democrats. [Laughter]

MORRIS: But the state senate was . . .

BUSCH: There wasn't any help from the state. I've talked to Butch Powers about the same situation up in his county, that was up in Modoc County, in Siskiyou I think, and some others there.

MORRIS: The state central committee didn't have any help for . . .

BUSCH: They never helped on that at all, I don't recall. They came in with the congressional contest to some degree, but not very much. Not in this county, not in Mendocino--not in the smaller counties. They didn't have the organization for it.

MORRIS: Did you go to the state Republican conventions, the party conventions and things like that? Did you have time for that?

BUSCH: I went to the national conventions, or meetings, at election time there. But not officially I didn't go.

MORRIS: When they were in California, did you go to the national presidential . . .

BUSCH: No. They had the acceptance gathering for, say, President [Herbert] Hoover when he was elected. They held that down in Stanford in the stadium there. I went to that; that was quite an affair. I went to some of them in southern California; but never outside of the state. And I wasn't doing it officially, except that I was in a public office was all. If you were in a public office, they didn't throw you out, but they weren't much interested, either. [Laughter] I don't want to blame them, either.

MORRIS: This was after Hoover was elected and before he took office as president?

BUSCH: Yes. When he had an acceptance speech. President [Dwight D.] Eisenhower, there was a meeting for him while he was running for office in Los Angeles. I forgot to tell you that.

VIII INTERIM JUDICIAL COMMITTEE HEARINGS

Screening Legislation

MORRIS: Good. And you'd take the time to go to Los Angeles and listen to him?

BUSCH: Oh, yes. I spent an awful lot of time in Los Angeles in my second term, and considerable in the first term. Because the interim committee, we were pioneering, but you could do as much as you wanted to. As I told you yesterday, the consultant that I had that worked with me on the committee was very competent. The fact that you had all attorneys on there tended to give the committee quite a bit of standing. Take the banks, the State Bar, title companies—and just numerous other groups were there, the attorneys groups, the judges groups. They all came to the Interim Judiciary Committee meetings, which were held principally in Los Angeles.

MORRIS: This is the hearings you had on proposed legislation?

BUSCH: Yes, that's why they came. There were numerous hearings on the reorganization of the inferior courts.

MORRIS: I wanted to ask you about a phrase I found in that 1952 report you gave me yesterday. It said that the Interim Judiciary Committee was "constituted primarily as a screening committee for proposed legislation [and] has felt that only the most specific legislative proposals under discussion should be examined."¹

BUSCH: Did I give you that?

MORRIS: You did.

1. "Progress Report," 1952, p. 34.

- BUSCH: Well, that was generally it; it was a screening committee. The interim committees are screening committees. Legislation, in order to get to the legislature for action, has to go through those committees. You've got subcommittees and all different types of committees.
- MORRIS: Right. But what interested me was this phrase about "only the most specific proposals should be examined." Was there some thought that some legislation was too vague, or maybe there were bills that really didn't need to be . . .
- BUSCH: Well, it depended on the subject more than on the--how many people would be affected; would a large number of people be affected? How would it affect the state finances? You didn't pick it out because somebody proposed a piece of legislation that wasn't probably too carefully drafted. It depended on the subject. Then you'd take it from there. People presenting different subjects, some of them would come and propose written legislation for their different subjects. But many of them wouldn't have any proposed bills at all.
- MORRIS: That they'd written out yet?
- BUSCH: No. They'd come in, present their subject, and we'd open the thing up for discussion. Of course, naturally, the groups that were interested particularly and had the meetings, they would develop written arguments to present in behalf of the cause they were interested in.
- MORRIS: And you had most of the hearings in Los Angeles. Why was that?
- BUSCH: I think we did. Well, the center of population was in Los Angeles, particularly for a good many people that couldn't get to Sacramento. You take San Francisco; we had a good many meetings in San Francisco, but not to the same extent that we had them in L.A.
- MORRIS: That's a good point. I was remembering that the early '50s was when two things: one, Governor Warren had a standing crime commission; and [U.S. Senator] Estes Kefauver, who became the

national presidential candidate, was also running around having hearings for a federal congressional crime commission. Did their ideas affect your work at all in the Judiciary Committee?

[End Tape 3, Side A]

[Begin Tape 3, Side B]

BUSCH: Not so much I would say. We didn't attempt to go into the work of the crime commission; the Judiciary Committee we were dealing with was dealing with all phases of the law, criminal and civil.

Earl Warren's Crime Commission; Slot Machines, Fred Howser

MORRIS: I was never clear why Governor Warren felt the need for a crime commission when there was already a Judiciary Committee in the legislature.

BUSCH: Oh, well, the Judiciary Committee was, after all, made up of legislators, and people that were basically interested in some subject were far more interested than the other members of the legislature would be. That naturally would have been the case for the crime commission. The legislature wasn't making investigations into the sources of crime that the crime commission would get into, and that these later commissions would get into. The legislature would get phases of it, but it wouldn't be set up to do that work.

That work would require a great deal of investigation. They had the slot-machine situation in the state. We had quite a problem in this county, I was going to tell you. There were slot machines in here from time to time, slot machines when I was district attorney and before. For a long time it just was a case of tolerance more than anything else. Nobody was bribed or benefited; no public official benefited, in other words.

But it got to the place where they began to attempt bribing public officials to overlook a great deal of the violations. So then you had these committees that made investigations into that situation. The attorney general, Earl Warren, investigated the situation with respect to slot machines and gambling contrivances very actively.

MORRIS: And he continued while he was governor, too.

BUSCH: Yes.

MORRIS: I was wondering if the legislature felt the governor had it all under control, or didn't feel it was as much of a problem as the governor did.

BUSCH: That varied with the attitude of the particular legislator. Some felt he had it too much under control and others felt he didn't have it enough. [Laughter]

MORRIS: I see. How about you?

BUSCH: Well, I was pretty close to him, mostly in law enforcement. We tolerated a certain situation, I did, in the county, and when it got to be noticeable, why, you got rid of it. That was about the best you could do. If you brought too many actions that way, people would complain about the expense of it. That's what you meant. With the ordinary crimes, I was always very strong for enforcement.

MORRIS: If things got to be too tough in your local county, as district attorney would you go to Warren when he was attorney general and say, "Can you get something done about this situation?"

BUSCH: Well, there were elements of that, yes, both when he was attorney general, and the other attorney generals. Now, he took a strong attitude, Earl Warren did. I've forgotten; I shouldn't forget the names—but I knew the other attorney generals very well.

MORRIS: There was a guy named Howser that I guess . . .

- BUSCH: Yes, [Attorney General] Fred [N.] Howser from Los Angeles. He was at odds with the governor. I knew Fred quite well. He was a personable individual. He used to attend our district attorney meetings when he was attorney general. I don't recall from any acquaintance with Fred, between him and myself, that ever raised any question of law enforcement. I don't think of it now.
- MORRIS: I see. He was more sociable than he was professional in his contact.
- BUSCH: Well, he was sociable, a very nice sort of individual.
- MORRIS: But he didn't talk shop.
- BUSCH: Well, he didn't come to you and ask you for favors for his clients, if that was what they were, his interests.
- MORRIS: The question has been raised as to whether or not he might have been associated with potential payments or possible payments by people who were running gambling operations.
- BUSCH: Oh, yes, considerable of that, because Fred had been interested in the gambling situation. That was a hard thing taking a little county like this. They had the same thing in Del Norte, Humboldt County, Mendocino County, and even Sonoma County. These merchants in the outlying district, they'd get a hold of a slot machine and they'd go out and swindle a few dollars now and then with that machine. They weren't happy if you went in there and took the machines away from them.
- MORRIS: And you're saying most of it was a small matter of somebody with a slot machine in the back of his cigar store kind of thing?
- BUSCH: Yes. Then it got into the resorts, who were a little more promiscuous about it. We had trouble from time to time and we'd just close it down.
- MORRIS: Was there ever any statewide legislation as a result of—did some legislation come up to the senate?

BUSCH: Oh, not while I was there. They had plenty of laws [Laughter], if that's what you're thinking about, see. So the enforcement was available; there were no problems about enforcing it. It was just a question of how ambitious you became to clean up the county, and if that was the only thing in the county that you gave any attention to. But the big counties had gotten to be a racket, and even in the small. We had here where they would get into fights over--various slot-machine people. You know, you didn't have only one operation of the slot machines. There were several groups that had them.

Jack Tenney; Un-American Activities Concerns

MORRIS: I've been thinking overnight and remembering a lot of bits I need to ask you about. One of the other people on your Interim Judiciary Committee was [Senator] Jack Tenney.

BUSCH: Yes, Jack Tenney. In the writing I noticed there where it said it was his first term. I don't think that was accurate.¹

MORRIS: Okay. Let me double check that. What I wondered was . . .

BUSCH: I'm quite sure it isn't accurate. Fred Kraft was from San Diego. I knew Fred real well, but he was only. . . . Well, let's see. The men that went in with me--Art Way was an attorney, but not too active. And Gerald O'Gara--I've mentioned him before--was a very fine attorney.

MORRIS: We didn't talk about Jack Tenney yesterday, and I wondered how active he was on the interim committee.

BUSCH: Very.

MORRIS: He was.

BUSCH: Yes. Jack and I used to have many pleasurable verbal discussions about the qualities of. . . . He was always very

1. Busch is correct. Tenney first served in the senate in 1943.

strong for [General Douglas] MacArthur, and I never carried the torch for MacArthur. He had a lot of good points, but he had some that I didn't care for. Anyway, he was running against Eisenhower. So I was supporting Eisenhower with Jack. Jack gave me the name of "MacEisenhower," [Inaudible] [Laughter] and vice versa as far as Jack was concerned.

I liked Jack and his wife very much. She was up there with Jack quite a bit. Jack was a very good legislator; he was a hard worker, and he knew how to handle his work.

MORRIS: He chaired the [Senate] Un-American Activities Committee.

BUSCH: Oh, yes; he really went overboard. Anytime there was a red flag raised anywhere, whether it was over a sewer ditch or what, he wanted to get legislation through. [Laughter] But he wasn't of the type of—what was the congressman from Wisconsin?

MORRIS: [Senator Joseph] Joe McCarthy.

BUSCH: Yes. Gee whiz. It's too bad when people get that way and get in the legislature.

MORRIS: Well, I wondered how serious the concern was about un-American activities in the state of California in 1948 and '50.

BUSCH: There was concern about it, but I think it was pretty well under control. There was not too much of an effort made by anybody, such as McCarthy made, to politically control people or to control the effect of a particular legislation. We had plenty of legislation here in California. I think everybody would have agreed on that at the time.

MORRIS: It looked as if the state senate committee was also making lists of people who they thought maybe were politically extreme, that they thought somebody should keep an eye on.

BUSCH: You mean of the members of the senate or of the . . .

MORRIS: No, the Tenney Committee, that it was holding hearings and keeping records on . . .

BUSCH: Well, it could have. It wasn't active enough that--it wasn't noticeable, I'd say, to any great extent.

MORRIS: I see. So that committee just did its own thing and the rest of the senate didn't pay any attention to what it was doing?

BUSCH: No. All of them subscribed to the basic principles. They were against communism. But some probably didn't subscribe enough.

MORRIS: Well, was the question of freedom of speech . . .

BUSCH: Barely was mentioned. The whole thing of civil rights came into active public consideration, I would say, after the war, of course. That would take up into the '50s and I was leaving there in '55. But the question of the civil rights has really caught fire, it seems to me, since about 1960, we'll say. Prior to that you didn't have so much of it. You had it, and nobody was around proclaiming Russia as a friend by a long way.

IX SOCIAL AND PROCEDURAL CONCERNS

Health Care, Social Welfare, and Rules Committee Recollections

MORRIS: Well, Warren had introduced some legislation for some state-supported health insurance [1946], and I remember some people thought that was socialized medicine.

BUSCH: They banned anything they opposed as being socialized so-and-so. If you wanted to oppose something, why, I guess you could have socialized farming. But social medicine was a common term; you heard it used quite a bit, and I don't think it affected very many people because they didn't figure you were a socialist because you favored a type of medical care, for instance, that would be provided for people that need it.

MORRIS: That's a good distinction.

BUSCH: You take the whole thing of government health care for the needy. It didn't begin until about, I'd say, around 1950. It existed, but prior to that period the counties took care of

it. Then it developed that you had set up a welfare director and legislation began to come into existence.

MORRIS: How did you feel about [former director, Department of Social Welfare] Myrtle Williams? Remember Myrtle Williams?

BUSCH: I'm trying to.

MORRIS: Her name was on a proposition to establish a pension program, and it included Myrtle Williams as director of [the Department of] Social Welfare.¹ It was part of George McLain's program.

BUSCH: Well, she was director while I was there, I think. And I met her. But Dr. [Arnold] Rapaport was the director up here, at Mendocino State Hospital.² He was very strong in the operation of the social welfare department and was active in securing legislation favorable to the social welfare department.

MORRIS: Is that how you got to be on the Social Welfare Committee?

BUSCH: No. There's so many things I went over last night that I should have brought out. You asked when a new legislator would go up to the legislature, how much help he would get, or what determinations would be made for him and so on. In the beginning, that is, take the situation where a new man is coming into the legislature, the Rules Committee principally would be active in assigning committees to him. Well, you take a man that came from an agricultural district, they probably would turn him over to the Agricultural Committee. Social Welfare at the time didn't have the impetus it has now. I think many of the beginners were assigned to social welfare committees. I was principally because of Dr. Rapaport. I

1. Proposition 4, Aged and Blind Assistance, approved by voters in 1948. This measure was largely rescinded by Proposition 1 passed in a special election in 1949.

2. Dr. Rapaport was later director of the Department of Institutions, which administered state hospitals.

carried that asylum bill which, as I say, was one I was very much interested in.

MORRIS: Was [Senator] Byrl Salsman a member of the committee while you were?

BUSCH: He was a member of the Judiciary Committee and he was a member of some other committees. I'm not sure whether he served on the welfare committee or not. I don't think Byrl was so active on that committee. He might have been.

MORRIS: It also says that you were on the Public Health and Safety Committee. I wondered how Public Health overlapped with the Social Welfare Committee.

BUSCH: I think I was appointed to some of those committees just to--being a new man, they put me on them in order to fill out the committee. There was this about being a district attorney of a county. You were familiar with county government; you were familiar with the welfare laws and welfare requirements. You were familiar with forestry, with fish and game; your average person had no acquaintance when it came to the legislature. He may have had experience in one field, but he generally didn't have a general experience that the district attorney would have who served in the county government. So I think that accounts for it. I can see, though, where you might be assigned to. . . . Let's see; Health and Welfare--what was that one that you referred to there?

MORRIS: Well, I have not yet found a time when there was Health and Welfare on one committee. There was one committee called Public Health and Safety.

BUSCH: Yes.

MORRIS: And then another separate committee was Social Welfare. And you sat on both committees.

BUSCH: Well, it was probably because of my interest in the social welfare bills, particularly that one relating to the hospitals. But too, you see, we had the Mendocino State

Hospital in Ukiah, three miles out from Ukiah. I was better acquainted with that than probably most members of the legislature would be.

MORRIS: And you and Dr. Rapaport had gotten acquainted?

BUSCH: Oh, yes. I liked Dr. Rapaport very much. He and my brother were very close together, and I became well acquainted with him when I was handling that bill with respect to the asylum.

MORRIS: Did he come to you?

BUSCH: Yes, he suggested I do it. Of course, he knew I had more knowledge on it and would be more interested than most. As I told you, Senator Hatfield was a district attorney, a very able man. As I mentioned, he served as United States Attorney. But when you left him, the other attorneys there were attorneys who had spent most of their time in the civil-law field, and not in a criminal field. So there weren't very many; there were just a few. And naturally, the Fish and Game people always were glad to get a district attorney on their committee because he was interested in enforcement of the Fish and Game laws. The same would be true of the Department of Forestry. Not to the same extent as when I was there, but it would be true now.

Military and Veterans Affairs Committee

MORRIS: In '49 you were also on the Military and Veterans Affairs Committee. Now what did they do?

BUSCH: I thought of the fact that I was on the committee. I think they gave me that; I requested it. I didn't serve in any of the military ventures; my eyesight wouldn't permit me to, although I took ROTC [Reserve Officers' Training Corps] at Stanford for four years. In those days, we had to ride horses to enforce the military laws. Which are very interesting; no question about that. The rather interesting thing was. . . . I'm speaking now prior to 1947, more or less—before the war,

actually. Some of the military men had a hard time finding something to do.

MORRIS: I remember reading that.

BUSCH: I think that was the situation; it was just my conclusion on it. Nobody told me so. But the offshoot of it was that in the ROTC, the officers or the instructors were practically all West Point men. I thought, "Judas Priest, why are the West Point graduates sent out here to follow a bunch of us horse marines around?" It occurred to me, anyway, and I respected them, though. We were fortunate to have instruction from men of that kind.

But then, you see, the ROTC wasn't very active in all the colleges.

MORRIS: It was active?

BUSCH: Was not. It was at Stanford and not too active at Stanford. [University of] California—I don't know just how to appraise it there. I was acquainted with members of the ROTC up there, but I've forgotten. But it wasn't like it became after the war period.

MORRIS: In '47, '48, '49, when you were there, that was when there were all the veterans coming back who had been in the service.

BUSCH: Yes. That was one of the reasons that I asked to serve on the Military and Veterans Committee. It was really a political thing and I was interested in the welfare of the military person. I always thought those fellows that did the fighting and were in the service, they should get every protection. I was very strong in that respect.

I told you my son was an attorney. Bruce went two years to Stanford. This was during the time that the war situation was so uncertain. Fellows in college would drop out because they expected they would be drafted any minute, and they wanted to make some choice. Bruce went into aviation right after his second year of Stanford, and served there about

twenty-two years. He came out lieutenant colonel. And he retired from the service, and went over to McGeorge Law School and received his JD [juris doctor] degree from McGeorge, and then passed the bar. I told you he's practicing now.

MORRIS: He's got another career.

BUSCH: Yes. It's quite interesting that he and his wife and their older daughter spent, I guess, about five years in Germany. They lived there all the time. We're not so conscious of the fact that—I least I don't think people are—that the German countries are . . . under military control, and still are. Bruce flew—in the course of it, he was flying this interceptor plane, which had a speed of about 1,600 or 1,700 miles an hour. At that time they didn't have the weapons for interception that they have now. So if a missile was lofted into the air, they'd send an airman after it with his plane, and he could travel faster than the doggone missile, catch up with it, and explode it.

MORRIS: Do you remember in '48, '49, in those years, if the legislature was worried about there being enough jobs for these young fellows coming back after World War II? Was that a problem?

BUSCH: Well, it wasn't legislatively. I think everybody was for getting jobs for them if it was possible. There was legislation passed, I think.

MORRIS: Would it be the Veterans Affairs Committee that dealt with things like the home-loan program and things like that?

BUSCH: Well, it could have. Let me see where that situation. . . . The Veterans Affairs Committee, as we had it, as it was set up over there, didn't do much in dealing with the finances of the veterans, although it took over that field. But not while I was a member of the committee was I very conscious of it. It would have been a proper subject for the committee. The financing came out, I guess, after the '50s. We had to get

adjusted somewhat before some of these bills were passed. You had your recommendations from the [Department of] Veterans Affairs people, and organizations. So your legislative committee didn't do very much in the way of making decisions. Their work was pretty well cut out for them. You take those big bond issues that would come up every session practically.

MORRIS: Sure seems like it.

BUSCH: Members of the legislature, they didn't formulate that legislation; it was prepared by the veterans' organizations and it came up to the legislature.

MORRIS: I see. And then would just be presented by the Finance Committee?

BUSCH: Yes. It would be almost a routine thing. Of course, that kind of legislation—speaking of financing and helping with the veterans—your Finance Committee would have a big say in whether or not that type of legislation would be passed more than the Veterans Committee would be because they were established to handle the financial matters. That's where their strength came from then and comes from now; they handle the purse strings.

Finance Chairman Bill Rich and Pro Tem Hugh Burns

MORRIS: Yes. That was [Senator William P.] Bill Rich who was chairman of Finance?

BUSCH: Oh, yes. I don't think you asked me about it, but you asked me generally about some. Bill Rich was a very capable man. He was an attorney; he had offices up in Marysville.

[End Tape 3, Side B]

[Begin Tape 4, Side A]

MORRIS: He wanted you to do what he—he would lay down the law?

- BUSCH: He was pretty much that way. But that was no fault; we needed men that would take responsibility for certain types of legislation where our own experience didn't fill the need.
- MORRIS: Was he close to Butch Powers and Clarence Ward?
- BUSCH: In a way, he was somewhat you'd figure a loner.
- MORRIS: That's interesting. Usually you would think of the chairman of Finance as being part of the leadership group.
- BUSCH: Well, I think of him as being a leader in that field, and he didn't care very much what somebody else thought about it [Laughter], which is all right. He was honest and he had the brains and the background; he was a well-known lawyer in Yuba County and naturally was well respected.
- MORRIS: He had experience with financial matters as an attorney?
- BUSCH: Oh, yes, considerable experience. And he was in the legislature quite a while, I guess, probably two or three terms before I was there. So he had all that experience behind him.
- MORRIS: How would he compare with Hugh Burns in leadership style?
- BUSCH: Well, they were both strong men and persuasive. They were decisive. But Hugh didn't have the legal background that Senator Rich had. He [Burns] had a lot of legislative experience, though, before he came into the senate; he was in the assembly before coming in there. You didn't fool him one bit. He was very forceful; he was well liked. As you know, he was on the committee there; he was president pro tem there for a time.
- MORRIS: Was he pro tem while you were there?
- BUSCH: Yes.¹

1. Interviewer's error. Burns's election as pro tem in 1957 would have been after Busch retired from the senate, while his brother, James Busch, was a member of the state senate.

- MORRIS: How did he come to be the pro tem? Do you remember?
- BUSCH: Well, let me see. [Senator Jerrold L.] Jerry Seawell was the president pro tem the year before I went there.¹ And Jerry was still active; Jerry became a member of the Board of Equalization, and he still kept his interest as president pro tem of the senate when I was over there.
- MORRIS: Did he? Now how did he manage that?
- BUSCH: He had his interests with these sudden problems that they had, the subjects that they had. And the people on there; he and Butch Powers were very close friends, and Hugh Burns likewise. Jerry was a very personable individual, too. So Butch went on, and then I'm not sure but what Hugh Burns came after, when Butch was elected, or appointed, whichever it was, lieutenant governor . . .
- MORRIS: Butch would have gone up to lieutenant governor when Goodie [Goodwin Knight] went to be governor in '53, when Warren went to Washington. Is that the way it went?
- BUSCH: No, Butch never went to the—he was temporarily, by virtue of being lieutenant governor; he never served as. . .
- MORRIS: Yes, but he became acting lieutenant governor when Goodwin Knight—is that the way it worked?
- BUSCH: Let's see.
- MORRIS: I can check the dates on that. I have Clarence Ward was pro tem for a while in there and then [Senator] Ben Hulse.²
- BUSCH: Yes, he was, and I'm just thinking whether Clarence came in after Hugh or not.

1. Seawell was president pro tem in 1939 and from 1943 to 1947, when he was elected to the Board of Equalization.

2. Ward served as pro tem in 1954-55 and Hulse in 1955-56.

- MORRIS: No, because Hugh went on forever; he was pro tem up until 1970. So Clarence Ward would have been before Hugh.
- BUSCH: Well, wait a minute. Hugh wasn't president pro tem in '70, was he?
- MORRIS: Yes, that's when [Senator James] Jim Mills became president pro tem. Sixty-nine maybe. [Senator] Howard Way was pro tem for a while before Mills. Hugh Burns was pro tem for longer than anybody.
- BUSCH: Well, see, I think he probably served three or four years while I was over there, and I didn't keep track of it all. I've kept track of him because I've been interested in how he was.
- MORRIS: Sure. I just wondered if you remember his selection as pro tem, if there was any controversy—whether everybody agreed that Hugh Burns was the man to take over as pro tem.
- BUSCH: Well, I felt when he was appointed—I may be wrong about that; I never had occasion to remember—I thought he was a good president pro tem personally, and well qualified for the office. I think he knew the business, he knew the men, which was a combination of those two. He was fair, and in dealing with him on the Rules Committee—he was on the Rules Committee a long while. I may be mixing that up with his service as president pro tem, too. But Hugh was a very competent individual.
- MORRIS: Yes, that's what I thought was the general opinion.
- BUSCH: Just because he didn't have a legal training. . . . He was an undertaker, a mortician.
- MORRIS: Right, and he had the insurance business. He seems to have been a very energetic fellow.
- BUSCH: Oh, tremendously so. Things had to move when Hugh came around. [Laughter] But he was awful nice about it. He was well liked; at least I feel he was.

Senate Procedures

MORRIS: Did you have occasion to take many questions to the Rules Committee?

BUSCH: No, I never did. I'd talk to the members outside and go informally to the committee meetings. And I talked to the members of the committee so that I knew that there weren't any problems—or at least I thought there wasn't. No, they were very good to me. I never tried to put anything over on anybody when I was there, so people weren't giving me a bad time for that reason.

MORRIS: When there was a question on procedure or on a particular bill, was it the custom to argue it out on the floor of the senate, or would it be discussed outside of the floor and worked out before it came up on the floor of the senate?

BUSCH: Oh, it could be worked out any of those ways. Anybody that had a bill that was subject to controversy in any respect or what he thought might be, he'd go to the Legislative Counsel; and he would tell them what he wanted in his bill, what he wanted to accomplish, and they would prepare the legislation for it. That didn't have to go through anybody but—it was just between him and the members of the Legislative Counsel.

MORRIS: Would most of the work be done in committees or on the floor of the senate in deciding how it ought to go?

BUSCH: Well, if it didn't get out of committee, it wouldn't even get there.

MORRIS: It wouldn't go anywhere.

BUSCH: Well, they could, but they'd have to call it out of committee, though. But ordinarily, it would die right there. So an awful lot of the work—in fact, you couldn't discuss all those subjects that would come up to the various committees in the time that you had while the legislature was in formal session. But there were times when bills would come up which had legal

problems or other types of problems, and the committee might be uncertain about a bill; but rather than turn it down, it would probably send it on without recommendation to the legislature in formal session if the bill was of that importance.

The matter of its effect and so on would come up on the floor and be there discussed. Depending again on the importance of the bill, it might be given a day or several days to it. You take the highway bill, for instance, was brought on the floor several times and discussed as to the legal effects and so forth. Because you had many phases to it: you had the financial, the courses of the highway, and the considerations of the various communities—all those. They'd get down on the floor in there, and they'd be discussed and maybe spend a whole day in the session. [Inaudible] the highway bill was down there on the floor several times when they'd be in there a couple of days discussing on it.

MORRIS: Then they'd recess it and then come back to it after a while.

BUSCH: Yes, and take it up later. There would be considerable of that, where the measure was of sufficient importance to justify it. But you just didn't bring any old maverick of a bill up there on the senate floor and tell people to listen to it.

MORRIS: How about the other house? Did you refer bills back and forth to the assembly or have conference meetings?

BUSCH: Yes. Members of the assembly from your district, or part of your district if you were a senator, would work together on measures that were affecting the district. They might work together on many other matters that didn't affect their district. It would just depend upon the relationship between the member of the assembly and the senator. But anything that affected the assemblyman's district and also the senatorial district would be mutually worked on. You didn't have to do

that, but as a matter of practice it was probably a sensible thing to do because if you didn't, you'd get over to this other side and there would be objections that you might have eliminated.

MORRIS: You'd lose your bill. By and large did you get along well with the assemblymen?

BUSCH: Yes.

MORRIS: You'd have sort of two or three assemblymen in the same area as your senatorial district.

BUSCH: I didn't have one at the time I was over there. We had Humboldt and Del Norte counties in the assembly district. They were the coastal counties going from Mendocino north, and they took in Lake County. But then that thing changed when they came to the reapportionment, as I suggested. And they've spread the thing clear across the valley over there. [Senator James] Jim Nielsen is over there [in 1988], and I've forgotten [Inaudible] Placer County; I've forgotten which county he has over there.

MORRIS: Well, it looked like the 1951 reapportionment didn't make too much change in the shape of your district, not till the '70s or so.

BUSCH: I rather think that's the case; they probably found out what they could do, then they began to cut her up.

MORRIS: Did anybody come and talk to you during . . .

BUSCH: Oh, I wasn't in there when that . . .

MORRIS: No, but in '51 there was a reapportionment while you were there.

BUSCH: In '51 there wasn't any considerable reapportionment as I remember.

MORRIS: Okay. That's what I wondered.

BUSCH: Nothing that created any consternation. They may have had some reapportionment, but I don't remember that anybody got excited. Do you happen to recall?

MORRIS: No. But reapportionment is one of those things we ask everybody about just because it has become such a controversial question.

BUSCH: Oh, it is; it's tremendously controversial. My Lord, you take those—they carved up some of those districts so as to make it certain that a member of a particular house would have full control of the vote.

MORRIS: Retain his control of the district?

BUSCH: Yes.

Observations on Goodwin Knight, Pat Brown, the Rules Committee

MORRIS: Moving on, how did Governor [Goodwin] Knight compare to Warren as far as the legislature was concerned?

BUSCH: Well, I knew Governor Knight pretty well. I became acquainted with him in some instances on the district attorney level, as I did with Governor Warren. I don't know; Governor Knight was a very sociable and decent person, a very capable man. I tried to go back and think of that. There was a governor in there the last few years that I was there. You know who I mean.

MORRIS: Well, let's see; you left before [Governor Edmund G., Sr.] Pat Brown was elected, didn't you? Pat was elected in '58. He was attorney general before then.

BUSCH: Yes. I was very friendly with Pat Brown for years. When I was district attorney, he was district attorney in San Francisco. I became well acquainted with Pat, and even though I was a Republican and he was a strong Democrat, that never bothered me a bit. Pat was a good Republican in lots of ways, too.
[Laughter]

MORRIS: I think he was a Republican and then he changed his registration, back before he ran for district attorney.

BUSCH: I'm not sure. I never was conscious of that. I think of him as a Democrat there. No, I liked Pat very much; both Jim and I did, and we were very friendly with him.

- MORRIS: Along towards your second term in the senate, were there some changes evident to you in how the senate operated or the kinds of issues that were coming up?
- BUSCH: No, there weren't. As I think back on it, it went along about the same way because Clarence Ward and Hugh Burns—the Rules Committee darn near the same.
- MORRIS: Really? That's interesting.
- BUSCH: Well, there wasn't very much change in that until after I left. I don't think of all of them, but there was Senator [Thomas] Keating and there was Hugh and Butch. They were very fair on that Rules Committee. I think that Senator Burns was on that committee. I'm not sure, but I think he was.
- MORRIS: Some people say that there was a kind of a tussle in the senate between the senators from rural counties and from city counties.
- BUSCH: From metropolitan counties.
- MORRIS: Yes. Did you have that kind of feeling?
- BUSCH: No, I never felt that there was. I was always on very good terms with Senators O'Gara and Tenney, Desmond.
- MORRIS: Well, that the needs of the cities were going to cut into the amount of money that was available for small counties.
- BUSCH: I don't recall a situation of that sort developing while I was in there.
- MORRIS: Good. How about the north versus the south?
- BUSCH: Well, I'm just thinking of it. When I was in there, they had some seventy judges down there in superior courts, maybe counting municipal courts. When they needed another judge, and they could show that they needed it, and had supporting evidence, I would vote for it in a minute. There wouldn't have been any hesitancy. Of course, had they been imposing, it might have been different, probably would have been. But Senator O'Gara was a very fair, competent man. He wasn't unreasonable at all. I remember Senator Desmond, Sacramento

was his bailiwick. I always thought that Earl was reasonable and fair. Of course, I like Sacramento very much myself.

MORRIS: It's a pretty town.

BUSCH: That's my second city. My son's there; he's practicing there. My granddaughter's practicing up there at Redding. So I still keep acquainted.

Government Efficiency and Education Committees, 1951-1955

MORRIS: In the second term you took on a couple of other committees. You became a member of the Education Committee and then the Government Efficiency Committee.

BUSCH: Governmental Efficiency, yes. The other may have been slipped over on me, the Education. [Laughter] I don't recall. Well, Governmental Efficiency was a strong committee, and I did go out of that.

MORRIS: What kinds of things were they concerned with while you were there?

BUSCH: Well, the management concern of practically all the phases of the government would come within our jurisdiction. I couldn't very well pinpoint that, but if you felt that something should be corrected in any of those departments, the Governmental Efficiency was there to help you, as their name indicates. And of course, they buried a lot of bills, too, which I don't know if that was all efficiency.

MORRIS: How does that work, they buried the bills?

BUSCH: Well, they just didn't pass them. Bills that were highly controversial and didn't seem to be going anywhere, and maybe some that did seem to be going somewhere, if you had a strong chairman, oftentimes the bill wouldn't get out of committee, and the members of the senate would ask the Governmental Efficiency to hold the bills at certain times if they were sufficiently affected. They would explain why. That was a very

strong committee, that Governmental Efficiency. I served on it a couple of years, I think.

MORRIS: Did you find that the people generally had a reason for why they wanted a bill held, or was sometimes it a matter of personal politics?

BUSCH: I could be both. But you always gave it a hearing. Your chairman would call for a voice vote. No matter how loud the ayes were, the bill stayed with the committee.

MORRIS: The chairman would decide whether the voice was yes or no?

BUSCH: That's what it really was. [Laughter]

MORRIS: Who was chairman at that point?

BUSCH: For a long time Senator [Harry L.] Parkman from San Mateo County. I don't know whether he had—I guess he had only San Mateo County down there.

MORRIS: That was growing pretty rapidly then, and it could well be the whole county.

BUSCH: Byrl Salsman I think had Santa Clara.

MORRIS: Yes, he was based in Palo Alto.

BUSCH: Byrl graduated at Stanford. I think he went to Stanford Law School also.

MORRIS: I think you're right.

BUSCH: My brother and I both graduated from the Stanford Law School, but that had something to do with our going on some of the committees which required legal background.

MORRIS: There was a committee on Legislative Representation. I've never heard of that before. Do you remember that one?

BUSCH: I don't remember it as such. It probably could have handled any of these reapportionment matters very quick.

MORRIS: That's what I wondered, if it was a temporary committee on reapportionment. But there wasn't much to be done if you don't remember it?

- BUSCH: I don't think it handled a great deal of work because the work would go to other committees. What did you call that committee again?
- MORRIS: Legislative Representation.
- BUSCH: I think it would be closer to the reapportionment measure.
- MORRIS: Me too. I just wondered because nowadays it seems like every session they're making a bunch of new committees and decommissioning other committees. I wondered if that was the case when you were there, or if the committees were pretty much set.
- BUSCH: They were all very well set. They were definitely set at the time.
- MORRIS: What was it about Education that you said you think they put one over on you?
- BUSCH: Oh, I just . . .
- MORRIS: It wasn't your particular interest?
- BUSCH: Well, I was definitely interested in education. I've forgotten what was brewing at the time. But I would have been more than just casually interested in it.
- MORRIS: Do you want to stretch your legs, and can I get you a drink of water?
- [Coffee break]

X CONCLUDING THOUGHTS

Lake County in the 1920s

- BUSCH: I wonder if this would be of any use to you, showing what the situation is in the county. Let's see; when I went into the legislature—that would have been '47—but the access to both Mendocino and Lake. . . . Mendocino's is practically the same as it was at that time. Lake County had no access, excepting this over-through-Bartlett-Springs route, and then up to the Sacramento Valley. If you wanted to go to Sacramento, you went out generally by St. Helena. The rail, up until 1910, it only

went as far as Cloverdale. And then up at Willits, it was continued from Willits up to Humboldt County.

During the time, I guess, while I was district attorney, I had one deputy here at the sheriff's office telling me that their transportation to San Francisco when he'd take a prisoner down to San Quentin would be by boat; they didn't have any other way to travel in those days. The train didn't connect at that time. And Lake County had the toll road down there at St. Helena, and down there between Cloverdale and here, turning off at Aida Creek was another toll road.

The first time I ever came to Lake County was from Ukiah around 1918. I was in high school then, '17 or '18, something like that. I came over as a rooster for the basketball team. We came in a Model T Ford; that was an all-day trip. We came over the same part of Highway 20 that you travel now from 101 over at Ukiah to Upper Lake. But as I mentioned, there were no roads around the lake at all, on the easterly and northerly side. They used to deliver the mail up to practically the time I came here by boat around the lake.

MORRIS: That's amazing!

BUSCH: Yes, when you think of those changes that have taken place. Up until, I think, almost the time I went to the senate they didn't have much in the way of paved roads at all in any of the counties, excepting at the incorporated communities, such as Ukiah and Lakeport, Willits and Fort Bragg. But Fort Bragg didn't have too much, either.

MORRIS: I was wondering if the interim committees that you served on, if that took as much time as the regular session of the legislature.

BUSCH: No.

[End Tape 4, Side A]

[Begin Tape 4, Side B]

BUSCH: . . . this job, and for a hundred dollars a month he couldn't stay very long away from his place of business.

MORRIS: Okay. But did most every senator serve on an interim committee?

BUSCH: I think the majority served on some interim committee. But this was a more active committee than most of them were. An interim education committee would have been very active. But there weren't very many active interim committees. There were interim committees appointed, but they didn't function to any great extent, excepting those that had to deal with legislative matters that had to have immediate disposition of some sort. There were a good many of those, of course.

Brother Jim and Other Successors in the Senate

MORRIS: How come you decided not to run for reelection?

BUSCH: I was getting opposition. I don't think it would have made much difference. I wasn't feeling well at the time. I just called it off. My brother was able to take over, and looking back on it, I'm very happy that he did because it was nice for him. He passed away; he was younger than I a year. But he passed away in 1970. Since then we've had these three families get started, and they sure have all got a start at that.

MORRIS: Had you and your brother kind of talked about whether he would take a turn at running for the senate?

BUSCH: Oh, yes, I talked to him about it.

MORRIS: Had he been interested in running too?

BUSCH: Yes, he was interested because he used to go with me. He went over with me many times, so he was fairly well acquainted with many of the legislators. They were good friends. He was an active district attorney, and his office was a much busier office than this one.

MORRIS: What were the people objecting to about your being there? You said you were getting some opposition.

BUSCH: Probably the opposition would have been on the. . . . There was a candidate that was boosted by some of the resorts on the slot-machine thing. I think if I'd been feeling well, I don't think there would have been much of a problem on it.

MORRIS: I noticed that George Biggar ran against you in 1950, the guy that you had defeated in '46.

BUSCH: It seems to me he did.

MORRIS: Persistent fellow.

BUSCH: Well, he was a good man and he was very conscientious. He was a very admirable person. He liked that job. It was kind of out of his line; that was one problem he had. But a very honest and square individual. His line had been agriculture. He had a pear orchard up there in Covelo. He'd done well in that. As I say, he was a real good person.

MORRIS: Who was the resort operators' candidate?

BUSCH: Well, they didn't have anybody come out at the time; I'd forgotten that. He did; he came out, but Jim didn't have any trouble with running against him.

MORRIS: After your brother, there was a [Senator] Waverly Slattery and a [Senator] Frank Peterson. They each served a term.

BUSCH: Yes. Waverly Slattery—I don't think he ever really cared too much for the job after he got it. He was a UC [University of California] graduate and a rancher here in Lake County, and well known, which gave him some advantages when he ran. He didn't run for it after the one time I think.

MORRIS: He didn't run for reelection.

BUSCH: No, as I remember, he didn't. Frank Peterson had been a deputy district attorney under my brother; Jim had brought him into the. . . . The Petersons are a large family. Four of them were attorneys over on the coast. There's three or four of them still practicing. I told you about that \$8 million judgment which is going to be heard about for a long time to come. One of the family handled that. He sure did a good job. He was a

good attorney. They were all good. Frank Peterson was a very good attorney. Greg Peterson was a member of the family at Fort Bragg. When you asked about Frank Peterson became. . . . In the reapportionment of the senate there, when they spread it out over the valley, they gave a judgeship appointment for Del Norte County. He'd been judge up there, and a very good judge in Del Norte County.

MORRIS: Did you ever think of looking for a judgeship?

BUSCH: No, I never did. I think in the beginning I wouldn't have cared for it. You can get pretty well isolated in a judgeship, you know.

MORRIS: Really? Why is that?

BUSCH: Well, you can't mingle with your constituents in the same way you would if you were an attorney, for instance. You'd have to avoid questions of conflict of interest which could be just friendship, you know. I was more interested this other way. I probably should have done better. I was in a situation where I should have had more money; trying to come back and practice here in the county just over a weekend as I did was just not a very good show.

MORRIS: That's hard trying to do all those things in Sacramento and then travel all that distance up here to keep your law practice going.

BUSCH: I did on each weekend; I traveled from Sacramento home after a session, and then I'd go back Sunday afternoon or Sunday evening for Monday's session.

MORRIS: Then you said, by the time we get to '54, the sessions were getting longer and it's almost full time?

BUSCH: Oh, yes. Before the end of the first session, the first term I should have said—that would be about 1950—the thing just snowballed so that you didn't have the time to carry on any kind of a practice. Of course, you broke up in the summer, but

there would usually be a special session then after work increased sometime in the fall.

Campaign for Congress, 1958

- MORRIS: Did you think that being a congressman in Washington would be less work than being a senator in California?
- BUSCH: No, it would have been more work. I'd have had to stay there; I couldn't have been back and forth. It didn't pay very much more. No. I should know what the darn thing paid. Whether it paid over \$400 a month I don't know; I don't recall.
- MORRIS: Had you been close to [incumbent Congressman] Hubert Scudder? Did he suggest that you run?
- BUSCH: No. I knew him, but he was. . . . He dropped out to go onto another position, didn't he?
- MORRIS: I don't know. All I have is a press clipping which said he was retiring.¹
- BUSCH: Yes, certainly he did retire, but I think he may have meant some state position that he went to; I'm quite sure he did.
- MORRIS: Could be. I will check.
- BUSCH: Which paid considerably more than a senator got. Although even a state position didn't pay such overwhelming amounts in those days.
- MORRIS: But you were still interested in politics and thought you'd give it a try? Why did you decide to . . .
- BUSCH: Oh, I was still interested and I thought I'd play it out anyway. It's worked out a lot better, even though I would have liked to go to congress. It's worked out for the family, I think, a lot better. The children are all doing well. I have a daughter in San Jose. She's married to a doctor of medicine

1. San Francisco Chronicle, March 28, 1958.

down there who has a very good practice. He'd been active in the medical associations in Washington, I guess. He was born in Austria and came to this country, I think, and took his medicine in Chicago. I've forgotten now for sure. So he and Gale have traveled back there. She's traveled with him. He was active with the AMA [American Medical Association] for several years. He still is active. She'd travel with him.

MORRIS: Was a congressional race more difficult than a state senate one?

BUSCH: Oh, yes, it was because the population was all out . . .

MORRIS: You had a much bigger district?

BUSCH: The population down there was three to one or better, maybe four to one. I didn't feel tremendously hurt about it. I did well in my own district, which was pleasing. See, that took in all of Marin County and Sonoma County. Well, Mendocino didn't have any great population then and we didn't have very much here.

MORRIS: Did Mr. Scudder give you his blessing and give you a hand?

BUSCH: No, I never had any contact—I had very little contact with him. Because, see, his home was in Santa Rosa or down in that area. So I didn't see him a great deal. He was in Sacramento, I think, a good part of the time.

MORRIS: In ten years was there any improvement in the support of the Republican county committee or the Republican State Central Committee? Did they give you a hand or advice?

BUSCH: Very little. That was the changeover period and it wasn't until after that that any money was made available to anyone to run. There's the thing: if you did run, you'd be obligated to certain people too much on it. I don't think that would have been too much of a problem, but still it could be a very serious problem.

MORRIS: Did you last through the primary and into the fall?

BUSCH: No, I wasn't nominated. I was running as a Republican.

MORRIS: Right. And did you . . .

BUSCH: No, I didn't make the Republican nomination.

MORRIS: Well, that was unkind of the electorate.

BUSCH: Well, I hadn't served in their counties; they had all the population in the other counties.

MORRIS: What they call name recognition now, it was hard getting . . .

BUSCH: That would have been valuable, but naturally, when you've been active in a small county and then you come out against the larger counties, you can't expect them to change overnight.

MORRIS: They had candidates in the other counties that were running, so you had competition?

BUSCH: Oh, yes. They took the election. They didn't get the election up this way.

MORRIS: Well, that must have been an interesting experience.

BUSCH: Yes, it was. Well, as I say, looking back on it now and the way that it. . . . One of my principal concerns was my children and what interest they would have. I was hoping that one of them would have an interest in law other than myself. It's turned out far better than that. Even my daughter living in San Jose, they have only one boy to look after. Gale's going to Lincoln Law School, and she's going on fifty years of age. Around Bruce's age when he went into it.

Enjoyment of Governmental Process; Financial Security for Public Officials

MORRIS: Is it the interplay of politics or is it the governmental process that has been most interesting to you?

BUSCH: I don't know; I like people and I like mixing with people, but I also enjoy the governmental processes.

MORRIS: How about any advice from your long experience for either people in the legislature now or people thinking maybe of running for office about things to avoid or things to look

for? This is your time to tell me what we've forgotten. I don't mean to make a big chore out of it.

BUSCH: Well, I think anybody going for public office should have some financial security. But you can make it the other way. The thing is, now the compensation is such that you can afford to run for the offices. You take the district attorney's office. I told you I was getting \$1,200 a year, and the district attorney here gets something like \$65,000.

MORRIS: That sounds like a pretty good salary.

BUSCH: It is a good salary. It's almost the same as the judges, right around that. I'm not exact on that figure, but I know it's in the neighborhood of the judges' salary. No, the judges' salaries began to increase because they weren't so good either. They were paying the judge of this county \$7,000 a year.

MORRIS: When you came in as district attorney?

BUSCH: Yes. And when I left as district attorney, I put in the legislation that increased the salary to \$12,000 a year here. Now that salary is \$74,000, right in that neighborhood.

MORRIS: Was this something that a lot of people in the senate were concerned with when you were there, about improving the salaries and lengthening the terms so that you could get more done?

BUSCH: Well, they were interested in extending the terms then; they had to be. And they were interested in the salaries, but that's something that's pretty hard to go out to the public and ask to be elected to the office so you can increase the salary.

MORRIS: When you put it that way . . .

BUSCH: They frown on that. [Laughter]

MORRIS: So you would have to put it in for the next term?

BUSCH: That would be about it; that's the best you could do.

MORRIS: What haven't I asked you that you'd like to put into the record about your own experience in the senate?

BUSCH: You mean in addition to what we've discussed here?

MORRIS: Right.

BUSCH: Well, I've thought of it. I don't know if I'm in shape to do the job. Since we've been working at this, I've been giving thought to it. I have a couple letters from the Stanford Alumni Association and the law school and they've asked that at least I tell them I'm living and what I'm doing. I haven't even done that. But I figure I will in the next few days.

MORRIS: Good. Well, I'm pleased if talking with our project has got you thinking about these things so you write a summary for Stanford.

BUSCH: Well, there aren't too many of them still around that were there back in 1926. On the other hand, there are quite a few of them too, which I'm glad to see.

[End Tape 4, Side B]